

**UNDERSTANDING AND GIVING SUPPORT TO CHILDREN IN CONFLICT WITH THE  
LAW: A SOCIO-ECOLOGICAL PERSPECTIVE**

**by**

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## DECLARATION

Student number: 857-301-8

I, ..... declare that **UNDERSTANDING AND GIVING SUPPORT TO CHILDREN IN CONFLICT WITH THE LAW: A SOCIO-ECOLOGICAL PERSPECTIVE** is my own work and that all the sources that I have used or quoted have been indicated and acknowledged by means of complete references.

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**SIGNATURE**

**(Mr. LDN Tiale)**

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**DATE**

## **SUMMARY**

Many children in conflict with the law are not receiving the relevant education and services to which they are entitled. Convention on the Rights of the Child, proclaim that the convicted child's needs of persons of their age, like the right to appropriate education must be addressed as a matter of urgency. In addition, there is a serious lack of properly trained personnel who might be causing more impairment to children in conflict with the law, but who remain in the system. The appointment of relevant and appropriate staff in correctional facilities is definitely required. For instance, many young offenders lacked a decent education, social skills and occupational skills and involvement of parents, peers and the community. If essential programmes become successful, this will not only improve the livelihood of children in conflict with the law, but will also reduce recidivism rates.

Qualified teachers and caregivers are required because the children in conflict with the law require specialised programmes like Individual Education Plan (IEP). The IEP is a basic aspect in providing quality special education services to help a particular learner attain his or her maximum learning potential.

The aim of this study was to develop socio-ecological framework in understanding and giving support to children in conflict with the law. Bronfenbrenner's ecological model was used as a conceptual framework. Qualitative research design and phenomenology as a mode of enquiry were employed in this study. Interpretivism was used a philosophical paradigm. Population was learners, between ages of eleven and seventeen, from three correctional facilities. Purposive sampling was used as a method of sample selection.

The findings in this study indicated that the children in conflict with the law resented the teachers showing signs of being judgemental, for failing to acknowledge their efforts and for being unresponsive to their needs. Initial desires to succeed in the classroom were replaced by frustration, anger, hopelessness and disappointment following failure. Many of their acting out behaviours were an expression of this anger and disappointment.

### **Keywords:**

Socio-ecology, Reintegration, Rehabilitation, Juvenile justice, Barriers to learning

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## CONTENTS

	Page
DECLARATION.....	i
SUMMARY.....	ii
LIST OF ABBREVIATIONS AND ACRONYMS.....	ix

### CHAPTER 1

#### OVERVIEW AND RATIONALE OF THE STUDY

1.1	INTRODUCTION.....	1
1.2	MOTIVATION FOR STUDY .....	4
1.3	PROBLEM STATEMENT .....	4
1.4	LITERATURE REVIEW.....	5
1.4.1	Exploring the problem .....	5
1.4.2	Theoretical framework- Bronfenbrenner's ecological systems theory.....	6
1.5	AIMS OF THE STUDY .....	10
1.6	RESEARCH QUESTIONS .....	10
1.7	RESEARCH DESIGN AND METHODOLOGY .....	11
1.7.1	Philosophical assumptions .....	12
1.8	POPULATION AND SAMPLING .....	13
1.8.1	Population .....	13
1.8.2	Sample selection.....	13
1.9	DATA COLLECTION STRATEGIES.....	14
1.9.1	Interviewing children in conflict with the law .....	14
1.9.2	Focus group .....	14
1.9.3	Naïve sketches .....	15
1.9.4	Observation.....	16
1.9.5	Field notes.....	17
1.10	DEFINITION OF CONCEPTS.....	17
1.10.1	Children in conflict with the law.....	17
1.10.2	Socio-ecology .....	18
1.10.3	Understanding .....	18
1.10.4	Support .....	19

1.10.5	Perspective .....	19
1.11	TRUSTWORTHINESS AND CREDIBILITY.....	19
1.12	ETHICAL CONSIDERATION AND CONFIDENTIALITY .....	21
1.13	CHAPTER DIVISION.....	21
1.13.1	Chapter 1: Background .....	21
1.13.2	Chapter 2: Literature review - Children in conflict with the law.....	21
1.13.3	Chapter 3: Literature review - Theoretical framework- Bronfenbrenner's ecological systems theory. ....	22
1.13.4	Chapter 4: Methodology.....	22
1.13.5	Chapter 5: Findings and discussions.....	22
1.13.6	Chapter 6: Conclusion and recommendations .....	22
1.14	CONCLUSION.....	22

## CHAPTER 2

### THE CURRENT GLOBAL SITUATION OF CHILDREN IN CONFLICT WITH THE LAW

2.1	INTRODUCTION.....	24
2.2	CHILDREN IN CONFLICT WITH THE LAW WITHIN THE CONTEXT OF INCLUSIVE EDUCATION.....	24
2.2.1	International developments on inclusion .....	24
2.2.2	South African process of inclusive education .....	26
2.3	INTERNATIONAL STANDPOINT .....	28
2.3.1	United States of America .....	28
2.3.2	United Kingdom.....	30
2.3.3	The Philippines.....	32
2.3.4	Summary .....	34
2.4	AFRICA'S CHILDREN IN CONFLICT WITH THE LAW .....	34
2.4.1	Nigeria.....	35
2.4.2	South Africa.....	36
2.5	LEGISLATIVE APPROACHES IN SOUTH AFRICA.....	37
2.5.1	United Nations Convention on the Rights of the Child (CRC) .....	38
2.5.2	Child justice system in South Africa.....	40
2.5.3	Justice System Process for Children in Conflict with the Law (South Africa) .....	41
2.6	INTERVENTION AND SUPPORT PROGRAMMES IN SOUTH AFRICA .....	44

2.6.1	Restorative justice.....	45
2.6.2	Family conferencing.....	46
2.6.3	Diversion.....	47
2.7	EDUCATIONAL SUPPORT .....	49
2.7.1	Education and training.....	49
2.7.2	Restraint through education .....	51
2.8	CONCLUSION.....	52

## CHAPTER 3

### BRONFENBRENNER'S SOCIOECOLOGICAL SYSTEMS' THEORY AND RELATED THEORIES

3.1	INTRODUCTION.....	53
3.2	LEVELS OF BRONFENBRENNER'S DEVELOPMENTAL ECOLOGICAL SYSTEMS THEORY.....	55
3.2.1	Microsystem: the family.....	55
3.2.2	Mesosystem: peers, school and neighbourhood .....	59
3.2.3	Exosystem.....	61
3.2.4	Macrosystem.....	64
3.3	IMPACT OF DEVELOPMENT ECOLOGY .....	69
3.4	DEVELOPMENT ECOLOGY AND RESILIENCE .....	70
3.5	BRONFENBRENNER'S ECOSYSTEMS THEORY AND RELATED THEORIES ....	73
3.5.1	Bronfenbrenner's ecological systems theory and social learning theory .....	73
3.5.2	Link between ecological systems and child development stage theories.....	75
3.5.3	Erik Erikson .....	76
3.5.4	Lawrence Kohlberg.....	78
3.5.5	Vygotsky's socio-cultural theory .....	78
3.5.6	Comparison of Bronfenbrenner's ecological model and Vygotsky's theory.....	80
3.6	ECOLOGICAL THEORY AND ITS IMPLICATIONS FOR EDUCATION .....	82
3.7	REFLECTION ON BRONFENBRENNER'S ECOLOGICAL SYSTEMS.....	85
3.8	CONCLUSION.....	87

## CHAPTER 4

### RESEARCH METHODOLOGY

4.1	INTRODUCTION.....	88
4.2	QUALITATIVE RESEARCH DESIGN.....	89
4.3	PHILOSOPHICAL PARADIGM.....	90
4.3.1	Ontological and epistemological assumptions .....	93
4.4	METHODOLOGY.....	95
4.5	DATA COLLECTION STRATEGIES.....	97
4.5.1	Interviewing children in conflict with the law .....	97
4.5.2	Focus group .....	97
4.5.3	Naïve sketches.....	99
4.5.4	Observation.....	99
4.6	METHOD OF DATA ANALYSIS .....	100
4.7	ETHICAL CONSIDERATIONS .....	101
4.7.1	Informed consent .....	102
4.7.2	Informed assent for children in conflict with the law .....	102
4.7.3	Protection from harm to participants .....	103
4.7.4	Right to privacy and confidentiality of data .....	103
4.8	TRUSTWORTHINESS .....	104
4.9	CONCLUSION.....	106

## CHAPTER 5

### FINDINGS AND DISCUSSION

5.1	INTRODUCTION.....	107
5.2	DESCRIPTION OF PARTICIPANTS .....	107
5.3	RESEARCH FINDINGS.....	109
5.3.1	Impact of socio-economic contexts .....	112
5.3.2	Influence of single parent family .....	115
5.3.3	Lack of guidance and education.....	119
5.3.4	Place of education .....	121
5.3.5	Educational needs .....	123
5.3.7	The prison school setting effect.....	126
5.3.8	Past harmful incidents made evident by risky behaviour and peer influence.....	127



5.3.9	Changed behaviour perceived as positive through the provision of pastoral care .	130
5.4	DISCUSSION .....	132
5.5	CONCLUSION.....	136

## CHAPTER 6

### SUMMARY, RECOMMENDATIONS AND CONCLUSIONS

6.1	INTRODUCTION.....	138
6.2	SUMMARY OF THE STUDY .....	138
6.3	EXPLORATION OF RESEARCH QUESTIONS WITH THEMES .....	141
6.3.1	Exploration of the Main Research Question and Research Question One .....	141
6.3.2	Exploration of Research Question Two .....	143
6.3.3	Exploration of Research Question Three .....	144
6.4	RECOMMENDATIONS.....	146
6.5	RECOMMENDATIONS FOR THE FUTURE RESEARCH .....	151
6.6	SUGGESTED FRAMEWORK FOR CHILDREN IN CONFLICT WITH THE LAW .	153
6.6.1	Conceptual Assumptions .....	153
6.6.2	Objectives of Collaborative Intervention Framework.....	154
6.6.3	Introducing Framework for Understanding and Giving Support to Child in Conflict with the Law .....	155
6.6.4	Framework for Understanding and Giving Support to Child In Conflict with theLaw ... .....	158
6.7	LIMITATIONS OF THIS STUDY .....	160
6.8	CONCLUDING REMARKS.....	161

REFERENCES.....	164
ANNEXURE A: Application for Ethics Review .....	234
ANNEXURE B: Covering letter and informed assent form for child .....	242
ANNEXURE C: Consent form for Parent/Teacher/Guardian.....	243
ANNEXURE D: Permission to do research in the school.....	244
ANNEXURE E: Ethics Clearance Certificate.....	245
ANNEXURE F: Application to conduct research in GDE institution .....	246
ANNEXURE G: Transcription.....	247

## **LIST OF ABBREVIATIONS AND ACRONYMS**

CCWL	Children in Conflict with the Law
CJA	Child Justice Act
CRC	Convention on the Rights of the Child
DCS	Department of Correctional Services
DoE	Department of Education
DoJ	Department of Justice
EHCA	Education for all Handicapped Children Act
EFA	Education for All
HRW	Human Rights Watch
IDEA	Individuals with Disabilities Education Act
IEP	Individual Education Plan
ILP	Individual Learning Plan
oLT	Language of Learning and Teaching
NICRO	National Institute for Crime Prevention and Reintegration of Offenders
PoS	Place of Safety
RLP	Recognition of Prior Learning
UNCEF	United Nations Children's Fund
UNCRC	United Nations Convention on the Rights of the Child
UNRPJDL	United Nations Rules for the Protection of Juveniles

## LIST OF FIGURES

Figure 2.1:	Juvenile violence in the USA	30
Figure 2.2:	Children in custody as on 20 July 2009 (UNICEF, 2010: 4)	32
Figure 3.1:	Levels of Bronfenbrenner's Developmental Ecological Systems Theory (Bronfenbrenner, 1979)	66
Figure 3.2:	Major child development theories	75
Figure 3.3:	Links between Ecological Systems and Child Development Stage Theories (Bronfenbrenner, 1979)	76
Figure 4.1:	Research methodology outline	88
Figure 5.1:	Naïve sketch of television and video on a stand	113
Figure 5.2:	Naïve sketch of sexual assault	114
Figure 5.3:	Narrative: "After my father died"	116
Figure 5.4:	Naïve sketch: laptop and firearm	118
Figure 5.5:	Narrative of criminal activity	120
Figure 5.6:	Narrative - drugs and knife in my pocket	127
Figure 5.7:	A cross as sign of the worth of pastoral care	131
Figure 6.1	Suggested Framework for Understanding and Giving Support to Child In Conflict with the Law	157

## LIST OF TABLES

Table 5.1:	Descriptions of participants	107
Table 5.2:	Themes that emerged from the focus group interviews	110
Table 5.3:	Key of abbreviations for interpreting findings from the focus group interviews	112

## **CHAPTER 1**

### **OVERVIEW AND RATIONALE OF THE STUDY**

**“I think if we want to say that life is changing for the better, that there is an improvement that we are better off today than we were yesterday - I think that must show in the children.” -President Thabo Mbeki (1999), Commonwealth Summit on Children.**

#### **1.1 INTRODUCTION**

The Child Justice Bill was signed into law by South African deputy president Kgalema Motlanthe on 11 May 2009. One objective of the Child Justice Act is to “entrench the notion of restorative justice in the criminal justice system in respect of children who are in conflict with the law” (Child Justice Act, 2008:2). In an effort to both humanize the juvenile justice system and to protect the rights of children in conflict with the law, the new legislation raises the minimum age of child offenders and provides for several diversion options (Child Justice Act, 2008:73-76). In this Act restorative justice is viewed as an approach that aims to involve the child offender, the victim, the families concerned and community members to collectively identify and address harms, needs and obligations through accepting responsibility, making restitution, taking measures to prevent a recurrence of the incident and promoting reconciliation” (Child Justice Act, 2008:18). Diversion alternatives include both family group conferencing and victim-offender mediation. For those young offenders who go through the child justice court, the Act provides for both community and restorative justice sentences. These include referring the case to a family group conference, victim-offender mediation, or “any other restorative justice process which is in accordance with the definition of restorative justice” (Child Justice Act, 2008:84-88). The Child Justice Act came into effect on 01 April 2010.

Specific rights for children are also provided for in section 28 of the South African Constitution. “A child’s best interests are of paramount importance in every matter concerning the child” (s 28 (2)). This means also that when a child has come into conflict with the law, the child’s best interests are most important, more important than any other consideration. At present, the legislation governing our criminal justice system is not equipped to ensure that this is so. Our constitution also says that children should only be detained as a measure of last resort and for the shortest possible period of time (s 28(1) (g)), where they are accused of committing an offence. Children, who are detained, must also be held separately from persons over the age

of 18 years and must be treated in a manner and kept in conditions that take account of the child's age (Constitution of the Republic of South Africa, 1996:1255).

Globally, a staggering number of children in conflict with the law in correctional facilities and prisons, who have limited or no education, continues to grow. When the children in conflict with the law go back to the community, the prospects for getting a job and maintaining it are very small (Hrabowski & Robbi, 2002: 96-99; Tewksbury & Stengel, 2006: 17-24; Zgoba, Haugebrook, & Jenkins, 2010:375). Many young offenders who leave prison remain unemployed, often not by own choice, and may be tempted to return to criminal behaviour again. Thus, educating young offenders while they are in prison could be a valuable endeavor (Harlow, 2003: 4).

Many countries have separate legislation governing judicial procedures for children in conflict with the law (Tewksbury & Stengel, 2006). According to international standards, a juvenile justice system must aim at encouraging specialisation in child justice practices and developing a distinct system of criminal justice that treats children in a manner appropriate to their age and level of maturity. No country has yet fully implemented a separate juvenile justice system to ensure that children in conflict with the law are treated in a manner significantly different from adults (Boëton, 2009:131-133). The main function of these institutions is control, and most lack the necessary staff and resources to effectively promote rehabilitation and reintegration. Basic facilities are often poorly equipped and maintained. (UNICEF, 2006:45-50).

More than one million children worldwide are living in detention as a result of being in conflict with the law, without access to a fair and appropriate judicial process or legal representation (O'Donnell, 2004: 9). This occurs despite several international protective treaties and conventions such as the Convention on the Rights of the Child, which states that every child is not to be deprived of his or her liberty unlawfully and subjectively (UNICEF, 1989:10). The United Nations Children's Fund (UNICEF), the Human Rights Watch (HRW), the Defence for Children International(DCI) and other relevant organizations have worked in recent years to try and show this reality and make the rights of children in conflict with the law, or those imprisoned without sufficient grounds known (Musiani 2006: 38).

The 1989 Convention on the Rights of the Child and the 1990 United Nations Rules for the Protection of Juveniles Deprived of their Liberty present a framework for children's rights, in value of the law. The imprisonment of a child is to be used only as a measure of last resort and

for the shortest possible period of time (Constitution of the Republic of South Africa, 1996:1255).Article 37 (Convention on the Rights of the Child, 1989:10) promulgates that the convicted child must be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age, like the right to appropriate education. However, in spite of these clear statements, the standards set by the Convention are constantly dishonoured (Musiani 2006: 38-39).

Furthermore, the educational needs of children in conflict with the law are not being met within the public school system, with more than 50% of these learners failing to receive the services that would have allowed them the same educational opportunities as those learners in regular education classrooms. Similarly, the education needs of these children placed in short-term or long-term correctional facilities are not being met. Many children in conflict with the law are not receiving the relevant education services to which they are entitled. There are many reasons for these circumstances. Many of these children's correctional facilities lack sufficient personnel to provide appropriate psychological and psycho-educational services. Such facilities may, in addition, lack qualified special educators and specialists to provide appropriate quality educational services (Gartin & Murdick, 2007: 337).

The United States federal law commissions that all learners with disabilities be provided with a free and appropriate public education. A young offender in the Commonwealth of Massachusetts filed a court case against the state for failure to provide him and other learners with special education needs. The court decided that although the imprisoned status of an offender may need adjustments in the special education programmes presented to him as compared to programmes available to learners who were not in prison, all learners having a disability, regardless of their prison status, are entitled to special educational support. This ruling was especially timely given that research over the past thirty years has repeatedly shown that a history of academic failure and educational disability are among the most prevalent characteristics of young offenders who live in short-term or long-term correctional settings (Morris & Morris, 2006: 615-620; Wang, Blomberg, & Li, 2005: 293-310).

The Education for all Handicapped Children Act (1995) of The United States of America, was reauthorized under the title of Individuals with Disabilities Education Act (IDEA), and was once more reauthorized in 2004 as the Individuals with Disabilities Education Improvement Act (IDEIA), in the United States of America. Each reauthorization further clearly indicated the types of special education programmes and services that must be available for all eligible

students, regardless of their educational placement. Although this legislation unmistakably spell out that these federal set of laws must be relevant to both public education learners in conflict with the law and imprisoned youths, resultant court proceedings has established that both detention and correctional facilities have been sluggish to take action (Morris & Thompson, 2008: 173-174).

## **1.2 MOTIVATION FOR STUDY**

Children's rights as set out in the United Nations Convention on the Rights of the Child, the United Nations Rules for juveniles Deprived of their Liberty, the South African Constitution Act and Child Justice Act, are not properly understood and implemented in some of the correctional settings as well as child and youth care. There is a serious lack of properly trained personnel who might be causing more impairment to children in conflict with the law, but who remain in the system. There is a serious lack of early intervention programmes, such as diversion and family group conferencing, which could reduce the numbers of children in conflict with the law. The appointment of relevant and appropriate staff in correctional facilities is definitely required (Mbambo, 2005: 77-82).

Qualified educators and caregivers are required because the children in conflict with the law require specialised programmes like Individual Education Plan (IEP). The IEP is a basic aspect in providing quality special education services to help a particular learner attain his or her maximum learning potential, and should be uniquely prepared for each learner. Individual education plans developed in a meeting between parents and or caregivers, the child's educator, the child, and relevant specialists. The IEP focuses on social, academic and any other needs, depending on the need of a specific child in conflict with the law. The programme also describes the teaching strategies, resources, monitoring and support, and the assessment required to enable the learner to realise his or her learning potential (Ministry of Education (Canada), 2000: 3-10)

## **1.3 PROBLEM STATEMENT**

The rehabilitation and reintegration programmes that are implemented in the system are not sufficiently effective in solving the problems of children in conflict with the law. Rehabilitation and reintegration programmes should target the areas that are most troublesome to children in conflict with the law and attempt to address them. For instance, many children in conflict with

the law lack a decent education, social skills and occupational skills. If these types of programmes become successful, this will not only improve the livelihood of children in conflict with the law, but will also reduce recidivism rates (Bales & Mears, 2008: 45).

From the preceding discussion and literature reviewed, it is evident that there is a necessity for socio-ecological understanding and support for children in conflict with the law and development of applicable framework that can be incorporated in their rehabilitation and reintegration programmes.

## **1.4 LITERATURE REVIEW**

### **1.4.1 Exploring the problem**

Contemporary studies illustrate that individualised appropriate support programmes, similar to education, can help children in conflict with the law as they go back to the community. Researchers such as MacKenzie (2006:3-20) have examined the effectiveness of rehabilitation and education programmes in prisons for children in conflict with the law. (MacKenzie (2006:69-112) offers evidence based solutions on what works and why certain rehabilitative programmes work. Wilson, Gallagher & MacKenzie, (2000: 355) further emphasize that young offenders who participate in programming recidivate at lower rates than those who do not go through the programme and are employable at a higher rate than nonparticipants. The researchers, in an international research, examined 33 programmes using longitudinal research. Although some of the reviews were varied, the bulk of the evaluations showed a considerable impact between individualised prison programming and recidivism once young offenders were released from the correctional facilities. An analysis of the 33 programmes by and large showed that young offenders who were involved in basic education and other programmes recidivated 41% of the time in contrast with the comparison group in which recidivism rates were 50% (Wilson, Gallagher & MacKenzie, 2000: 356).

The politics of children in conflict with the law have resulted in many youths not receiving the relevant intervention and resources needed to put them on the right path and so a lot of them are being thrown away in a review of prison education programmes. Vacca (2004: 302) points out that it is the more educated young offenders who are likely to be successful in staying out of prison or correctional facilities. Involvement in relevant intervention programmes may reduce recidivism by 70% or more. As well, Frolander-Ulf and Yates (2000) report that the more



suitable education received, the better the likelihood of staying out of prison. Wilson, Gallagher and MacKenzie (2000: 356) and Chappell's (2004:148-169) meta-analysis of prison education research finds that proper prison education programmes significantly reduce recidivism and increase social bonding.

Bobbit and Nelson (2004:1) contend further that family involvement, as part of intervention program, in reintegration back into the society may lead to more successful transitions from prison and better recidivism results. Vacca (2004: 298) argues that research conducted in past decades shows a significant difference in recidivism rates in young offenders who show a close bond with family while inside prison. Those who show little or no involvement with family had a greater chance of recidivism. In one study, the greater number of visits inmates had, the lower their recidivism rate (Vacca, 2004: 298). In another study, young offenders' participation in a private family visiting program in correctional facility was associated with low recidivism rates (Bobbit and Nelson, 2004:1-5). Vacca (2004: 298) also points out that appropriate education programme leads to a more humane and tolerable environment in which to live and work, not only for the children in conflict with the law but also for the educators, officers, staff and everyone else.

Raundrup and Langelid (2004: 9) are of the opinion that education and training needs may be formal in nature to a great extent but a major need for informal skills can identified, for example, life skills, the ability to function in a team, at work, in society and in the family. The teaching must be epitomized by the development of qualitative characteristics, the ability to solve problems, creativity, and the ability to learn new things and to collect and evaluate information.

#### **1.4.2 Theoretical framework- Bronfenbrenner's ecological systems theory**

The theoretical framework of this study is informed by the integration of Bronfenbrenner's socio-ecological model (1979). This theory looks at a child's development within the background of the system of relationships that make up his or her environment. Bronfenbrenner's theory defines complex layers of environment, each having an outcome on a child's development. (Paquette & Ryan, 2001: 1). The interaction between factors in the child's maturing biology, his immediate family and community environment stimulates and drives the child's development. Changes or conflict in any one level will ripple all the way through other levels. To study a child's behavioural influences then, we must look not only at the child and

her or his immediate environment, but also at the interaction with the larger environment as well (Paquette & Ryan, 2001: 1).

The ecological systems theory identifies five environmental systems, namely, microsystem, mesosystem, exosystem, macrosystem and chronosystem. The microsystem encompasses the relationships and interactions a child has with her immediate surroundings. Structures in the microsystem comprise family, school and neighbourhood. The exosystem describes the larger social system in which the child does not function directly. Parent workplace schedules or community-based family resources are examples. The mesosystem provides the relationship between the structures of the child's microsystem and examples are the link between the child's teacher and his parents, between his church and his neighbourhood. The macrosystem may be considered the outmost level in the child's environment and is comprised of cultural values, customs, and laws. The chronosystem is about the dimension of time as it relates to a child's environments. Elements within this system can be either external, such as the timing of a parent's death, or internal, such as the physiological changes that occur with the aging of a human (Berk, 2000: 23-38).

The cornerstone of Bronfenbrenner's model is a belief that individual human development, socialisation explicitly, arises as an outcome of interactions within and between multiple surrounded ecological systems impacting upon the developing young person (Bronfenbrenner, 1979). Bronfenbrenner (1979: 16) states that "to assert that human development is a product of interaction between the growing organism and its environment is to state what is almost a commonplace in behavioral science," and put more clearly, "the principle asserts that behaviour evolves as a function of the interplay between person and environment, with paying special attention to the interaction between the two". The social ecological model proposes that the progression of human development occurs when mutual exchanges become apparent between the individual and the environment, which are both mutually influential within the context of their ecological systems (Bronfenbrenner, 1979).

Bronfenbrenner (1979) claims that learner, family, school and macrosystem factors, such as the cultural and economic fabric of society, including policies, legislations and judicial systems can give rise to unrepentant child in conflict with the law. It is, therefore, not satisfactory to scrutinize individual factors, such as family, peers or school separately. The importance of this theory in application of the juvenile justice system is the interaction between a child in conflict with the law and the environment. Here, the crime committed develops as a function of the

interaction between a child in conflict with the law and the environment, which may include but is not limited to family, peers, school, and community. What has been found in social science research practice normally does not integrate the person and environment, however, in juvenile justice, the opposite exists. The philosophy behind juvenile court is to change behavioural tendencies of a child in conflict with the law (Bronfenbrenner, 1979). According to Bronfenbrenner (1979: 35), in order “to demonstrate that human development has occurred, it is necessary to establish that a change produced in the person’s conceptions and activities holds over to other situations and other times”. This change is critical in the life of a child in conflict with the law when they make the decision not to reoffend because of the influences of their ecosystem.

In addition, the teen year’s area peak time for youth to explore their world with brand new self-determination, ideals, and principles while at the same time they are learning to develop skills, behaviours, and attitudes that will transpire into adulthood (Godwin, Steinhart, & Fulton, 1996: 3). The first important influence on children is the family in which the children and their parents are interactive members of a larger socio-ecological system, namely, the school, workplace, and child-care services (Quinn & Sutphen, 1994: 23). When connections are made between young children, family, friends, and the community, it is apparent when they take an active interest in their environment because this can lead to the development of active ownership of one’s fate. More specifically, Bemak and Keys, (2000) argue that when children make enhanced associations in their schools, families, and communities this can lead to a noticeable decrease in evils facing today’s teenagers. When this marked relationship occurs and children are a central part of their community, schools are better equipped to address the growing problem of crime, which is an obstacle to a child’s worthy education. In this instance, families and members of the community can take a leading position when dealing with problem of crime and they can emphasize the importance of family and community in the life of children in conflict with the law.

Besides, regardless of the juvenile justice procedure by which children in conflict with the law are processed, they are still being held accountable for their actions through positive peer influence and by having their parents present during juvenile justice process. These essentials in the life of a child in conflict with the are consistent with Bronfenbrenner’s theory that parents and peers play critical roles in a burgeoning the life of a child in conflict with the law by means of positive influences. For Bronfenbrenner (1979: 22), “the aspects of the environment that are

most powerful in shaping the course of psychological growth are overwhelmingly those that have meaning to the person in a given situation”.

When a child in conflict with the law is faced with influences like parental involvement, friends and standing before a adjudicators of peers, all these people play critical roles in outlining the significance of the immediate situation of the particular individual (Bronfenbrenner, 1979). When faced with their acknowledged crime, children in conflict with the law must accordingly accept or deny all mandatory sanctions straight away. This social perspective of positive peer demands has simplified the influence between interpersonal relations in the microsystem, which includes a child in conflict with the law and the peer judges. “An ecological transition occurs throughout the lifespan and it is defined as whenever a person’s position in the ecological environment is altered as the result of a change in role, setting, or both” (Bronfenbrenner, 1979: 26). In addition, “every ecological transition is both a consequence and an instigator of developmental process” (Bronfenbrenner, 1979: 27).

Landsberg, Kruger and Nel (2005: 9) also assert that Bronfenbrenner’s ecological model have much relevance in emphasizing the interaction between an individual’s development and the systems within the social context. It is imperative to remember that understanding children in conflict with the law cannot be separated from the broader social context within which this child was born and bred. The theory indicates that as a child grows, the interaction within these environments becomes more complicated. This complexity crops up as the child’s physical and cognitive structures grow and mature. So, given that nature continues on a particular course, how does the world that surrounds the child in conflict with the law conceptualize and support his or her merciless development? (Paquette & Ryan, 2001: 3). In Bronfenbrenner’s theory, the systems within the social context and activities in which children in conflict with the law participate, for example, family, peer group, school, and workplace including correctional facilities can be positively utilised as learning environments that can provide opportunity structures for growth and development. To the extent that they offer adequate support, opportunities, and resources for personal growth, social settings can play a critical role in facilitating children in conflict with the law’s development in the positive direction (Larson & Verma, 1999: 701-736).

## **1.5 AIMS OF THE STUDY**

Creating a space for transformative learning and promoting critical reflection are important, even very essential in correctional facilities or prison setting. Giving the children in conflict with the law an opportunity to overcome the constraints of imprisonment and encouraging them to take responsibility within an educational space can begin the process of empowerment and critical thinking. But we must be especially imaginative as we recognize that prison environments “are not rich in verbal and sensory stimuli” (Vacca, 2004, 302).

The primary aim of this study is to investigate the perceptions of children in conflict with the law with regard to the current rehabilitation and reintegration programmes, in order to develop socio-ecological framework for educators and care-givers.

The secondary aims of the research are:

- To examine and describe the current situation for children in conflict with the law in South Africa and internationally
- To examine and describe appropriate socio-ecological model in order to understand and support of children in conflict with the law
- To develop framework that can be incorporated in the rehabilitation and reintegration programmes in support of supporting children in conflict with the law

## **1.6 RESEARCH QUESTIONS**

The main research question:

- What are the perceptions of children in conflict with the law with regard to the rehabilitation and reintegration programmes?

The secondary research questions:

- What are the experiences and views of children in conflict with the law with regard to the relevance and effectiveness of the current rehabilitation and reintegration programmes?
- What is an appropriate socio-ecological model to understand and support children in conflict with the law?
- What aspects must be incorporated in the rehabilitation and reintegration programmes of children in conflict with the law?

## **1.7 RESEARCH DESIGN AND METHODOLOGY**

In this research a qualitative approach will be used in order to get a holistic understanding of children in conflict with the law. The use of the qualitative approach ensures that experiences of children in conflict with the law are studied from an insider perspective (Babbie & Mouton, 2001). Data will be drawn from the three youth correctional facilities in Gauteng where thirty children, from three institutions, between the ages of twelve and seventeen will be the participants.

Qualitative research uses a naturalistic approach that seeks to understand phenomena in context-specific settings, such as "real world setting [where] the researcher does not attempt to manipulate the phenomenon of interest" (Patton, 2001: 39). Qualitative research, broadly defined, means "any kind of research that produces findings not arrived at by means of statistical procedures or other means of quantification" (Strauss and Corbin, 1990: 17) and instead, the kind of research that produces findings arrived from real-world settings where the "phenomenon of interest unfold naturally" (Patton, 2001: 39).

Qualitative research data usually is in the form of words, images and descriptions, language, verbal non-verbal and has symbolic meaning. The results data, therefore, in this research will be obtained by means of documentation, unstructured interviews and observation. The research will use unstructured interviews in order to come face to face with the subject, to ask questions, gather necessary and relevant information (Cohen & Manion, 2002: 287).

### **1.7.1 Philosophical assumptions**

The selection process of one approach over another begins an investigation process with philosophical assumptions about the nature of reality (ontology), how we know what we know (epistemology), the inclusion of values (axiology), the nature in which research emerges (methodology), and writing structures. After selecting philosophical assumptions, the researcher identifies a research question that informs the approach or design used in qualitative research to collect and analyze the data (Creswell, 2007: 238).

The philosophical assumptions underlying this study are drawn from the interpretive practice. With interpretivism, social phenomena are understood in the social contexts in which they are constructed and reproduced through their activities (Burrell and Morgan, 1997). The epistemological view on interpretivism is that knowledge of reality is gained through social constructions such as language, shared meanings, tools and documents. Using the interpretive viewpoint will enable the researcher to increase the understanding of the critical, social and organizational issues related to children in conflict with the law (Burrell and Morgan, 1997).

For the purpose of this study, phenomenology will be employed as a mode of enquiry and philosophical basis of interpretivism. Phenomenology is both an appropriate and useful method for examining the experiences and views of children in conflict with the law with regard to the relevance and effectiveness of the current rehabilitation and reintegration programmes. Phenomenology describes real direct experiences that happen daily and can interpret the experience of participants in order to understand the essence of the experience as perceived by the participants (McMillan and Schumacher (2009).

Husserl (1970) contends that phenomenology allows the researcher to revisit the world as it is lived and experienced, describing phenomena as they reveal themselves rather than explaining or reasoning their cause. Martins and Bicudo (1989) describe phenomenology as a distinct approach to scientific investigation, replacing statistical relationships with individual descriptions and interpretations that result from lived experience. A phenomenon can be defined as a situation or condition experienced in daily life (Giorgi, 1985). Therefore, when using phenomenology as a research method, the researcher starts with the lived experiences of the participants, uncovering their own understandings of their experience. In this way, phenomenology allows the researcher to see the personal meaning children in conflict with the law attach to their experiences and how they create their own personal reality (Lawler,

1998).According to Marton (1988: 147) the aim of phenomenology is to discover the structural framework within which various categories of understanding exist. Such structures should prove useful in understanding other people's experiences and understanding (Åkerlind, 2005).

## **1.8 POPULATION AND SAMPLING**

### **1.8.1 Population**

Population can be described as possible elements that can be included in a research. McMillan and Schumacher (2006: 119) define population as a group of elements or cases, whether individuals, objects, or events, that conform specific criteria and to which we intend to generalize the results of the research. In this study the population will be children in conflict with the law from three youth correctional facilities in Gauteng.

### **1.8.2 Sample selection**

Sample is a small portion of the total set of objects, events or persons that together comprise the subject of study. It can be viewed as a subset of measurements drawn from population in which we are interested. Sample can also specify how participants will be selected in a study (McMillan and Schumacher 2006: 119).

In this study, purposive sampling will be employed. In qualitative research, the investigator selects cases that can shed light on the object of study. Sampling will therefore be based on purpose rather than statistical probability of selection. Participants are selected for their ability to provide rich information. This selection will be based upon the following criterion: participants will be thirty children in conflict with the law, between the ages of twelve and seventeen.

Denscombe (1998: 15) explains that purposive sampling is applicable in situations where the researcher already knows something about specific people who are likely to produce most valuable data. In short, purposive sampling is best used with small numbers of individuals or groups which may well be sufficient for understanding human perceptions, problems, needs and contexts, which are the main justification for a qualitative audience research.



## **1.9 DATA COLLECTION STRATEGIES**

### **1.9.1 Interviewing children in conflict with the law**

Children in conflict with the law will be the primary focus of the study that the researcher wants to interview. Increasingly, there are calls for including children's perspectives as relevant and insightful in learning more about aspects of their worlds. This is especially true in education where all too often those most affected by educational policy and rehabilitation program decisions are absent from investigation. There are special considerations, however, when the qualitative researcher proposes a study that involves children. Age concerns are of the utmost importance and interviewing children, for example, are quite different from interviewing adolescents. Young children are often active and adolescents are frequently very self-conscious. In addition, it is very imperative to involve psychologists and social workers as observers and for provision of professional advice where crucial (Patton, 2002: 341–347).

### **1.9.2 Focus group**

Focus group interviews were conducted and these interviews gave first hand and relevant information on rehabilitation and reintegration programmes for children in conflict with the law. Focus group is an interview with a group of participants and the aim is to share their views on a specific topic (Lauer (2006). During the interview, free flow of dialogue and participation was encouraged in order to gain maximum information from the children in conflict with the law. Small groups increase the comfort levels of the research participants. Focus group interviews are useful for revealing beliefs, attitudes, experiences and feelings of the participants. In addition, they can provide insights into multiple and different views. They can also provide valuable information on the dynamics inside the group (Creswell, 2009).

Additionally, focus groups can be less intimidating, or threatening, than speaking to a researcher in a one-to-one interview setting. It has also been noted that using focus groups may be particularly appropriate when researching children and young people, who may be more relaxed and willing to share perceptions when discussions are held with a group of peers. The case in point here is children in conflict with the law. However it has also been noted that focus group suit some research studies more than others. Where the subject of the interview might be perceived as a sensitive topic, participants may be cautious of disclosing personal information about themselves. This may be particularly so when participants are known to each

other. Moreover in focus group, some participants may be more vocal than others, who may be intimidated in a group setting (Nieuwenhuis, 2007).

Conducting focus groups involves the development of interview guide, identifying a meeting place, and facilitating participation of the group members. Facilitation is important to encourage group interaction. Focus group participants should be encouraged to talk to one another, asking questions, exchanging stories and commenting on each other's experiences and points of view. As in other forms of qualitative data collection, ideally the data analysis begins during the focus group session, as issues emerge in the context of group discussions. For this reason it is advisable to have more than one researcher present to assist with group management (Creswell, 2009).

Furthermore, focus groups are also a qualitative data collection method effective in helping researchers learn the social norms of a particular community, as well as the range of perspectives that exist within that community. Focus groups are often used to determine what service or product a particular population wants or would like to have. Because focus groups seek to shed light on group opinion, the method is especially well suited for social-behavioral research that will be used to develop and measure services that meet the needs of children in conflict with the law (Nieuwenhuis, 2007).

### **1.9.3 Naïve sketches**

Naïve sketches were used as a method of data gathering, where the children in conflict with the law were asked to write down their experiences in an open and honest manner. Naïve sketches that were used in this study will take an open-ended questionnaire format (Fouché, 1998:152 – 153&160). Naïve sketches usually are anything from one to four pages of short descriptions on experiences, views and explanations in the form of drawings and or texts. (Giorgi, 1985:1, 8).

Naïve sketch serve to reflect in written format participants' experiences with regard to education, rehabilitation and reintegration programmes effectiveness (Fouché, 1998:156). Furthermore, the naïve sketches will be used as a data collection tool for this study in order to create the opportunity for children in conflict with the law to participate in the study so that their voices are heard and to complement the in-depth interviews for triangulation purposes. In this regard, Lincoln (2001:115) asserts that "the extent to which alternative voices are heard is a

criterion by which we can judge the openness, engagement, and problematic nature of any text”.

In addition, naïve sketches are much more realistic when it comes to costs, time and manpower when compared to focus group.

#### **1.9.4 Observation**

Observation is a fundamental and highly important method in all qualitative research. Observation entails the systematic noting and recording of events, behaviours, and artifacts in the social setting throughout a study. It is used to discover complex interactions in natural social settings. Even in studies using individual interviews, observation plays an important role as the researcher notes the interviewee’s body language and affect in addition to his words. It is, however, a method that requires a great deal of the researcher. Discomfort, uncomfortable ethical dilemmas and even danger, the difficulty of managing a relatively modest role, and the challenge of identifying the big picture while finely observing huge amounts of fast-moving and complex behaviour are just a few of the challenges (Patton, 2002).

Additionally, observation differs from interviewing in that the observer does not actively question the respondent. It can include everything from field research where one lives in another context or culture for a period of time to photographs that illustrate some aspect of the phenomenon. The data can be recorded as interviews, video, pictures, photos or drawings (Kelly & Emery, 2002).

Heck (2006) stresses that observation gives the researcher an opportunity to assess how the respondents assign meaning to their social and cultural environments. The aim of observation is to increase the understanding of the context in which interaction is taking place (Patton, 2002). Observation gives the researcher an opportunity to hone in on participants’ physical interactions and emotions and in this way more aspects of their personal experiences can be understood. During the interviews I will also focus on the emotions of the participants. The data obtained during observation will be written up in the form of field notes (Patton, 2002). Everything that was thought to be useful for the study was noted in my observations journal.

### **1.9.5 Field notes**

Field notes are a secondary data storage method in qualitative research. Since the human mind tends to forget quickly, field notes by the researcher are crucial in qualitative research to retain data gathered (Lofland & Lofland, 1999). This implies that the researcher must be disciplined to record, next to each interview, as comprehensively as possible, but without judgmental evaluation, for example: “What happened and what was involved? Who was involved? Where did the activities occur? Why did an incident take place and how did it actually happen (Pitney and Parker, 2009)”?

Morgan (1997: 57-58), also remarks that field notes involve interpretation and are part of the analysis rather than the data collection. Bearing in mind that the “basic datum of phenomenology is the conscious human being”, or they lived experiences of the participants in the research (Bentz & Shapiro, 1998: 98; Heron, 1996. This therefore implies that the writing of field notes during the research process compels the researcher to further clarify each interview setting (Caelli, 2001).

In a nutshell, field notes were not rough sketches. The researcher had clear note-organizing and note-management strategies. Participants’ comments were often a quite fruitful source of analytic insights and clues that spotlight data collection more tightly. They also provided important questions for subsequent interviews. To add, field notes were taken throughout the observations and were focused on what was seen. Many researchers also record notes to assist in determining what the observed events might mean and to provide help for answering the research questions during the eventual data analysis (Bogdan & Biklen, 2007; Pitney & Parker, 2009). During all the interviews, I took along an assistant, who helped me note everything of significance to the study.

## **1.10 DEFINITION OF CONCEPTS**

### **1.10.1 Children in conflict with the law**

The term ‘children in conflict with the law’ refers to anyone under the age of eighteen, who comes into contact with the justice system as a result of being suspected or accused of committing an offence. Most children in conflict with the law commit petty theft or minor

offences like vagrancy, truancy, begging or alcohol use. Some of these offences are known as 'status offences' and are not considered crime when committed by adults. In addition, some children who engage in criminal behaviour do so because they have been coerced by adults. Prejudice related to race, ethnicity or social and economic status may bring a child into conflict with the law even when no crime has been committed, or result in a harsh treatment by law enforcement officials (UNICEF, 2003: 2).

### **1.10.2 Socio-ecology**

Socio-ecology is the scientific study of how social structure and organisation are influenced by organisms' environment. Socio-ecology is related to sociology, the study of society and ecology, the study of the interaction between organisms and the interactions of these organisms with their environment, enabling animals to adapt to their environment (Kappeler and Pereira, 2003: 83).

Socio-ecology is concerned with the adaptiveness of behaviour, the ultimate question of why animals behave as they do, rather than the proximate question of how they behave. The principles of natural selection are applied to behaviour with the fundamental assumption that within the constraints of their evolutionary histories, animals behave optimally by maximising their genetic input to future generations. For example, animals must maintain their internal physiological conditions within certain restrictions in order to function properly and often they do this by behaviour (Encyclopedia of Science and Technology, 2005: 1267).

### **1.10.3 Understanding**

To have a word or a picture or any other object in one's mind appears to be one thing, but to understand it is quite another. Understanding is achieved by a further presence, so that words might be understood if they are accompanied by ideas, for example, the extra presence merely raises the same kind of problem again. The better suggestion is that understanding is to be thought of as possession of a technique or a skill (The Oxford Dictionary of Philosophy, 2005: 1562).

Chaitin (2006:78) explains that understanding something means being able to figure out a simple set of rules that explains a phenomenon. For example, we understand why day and night exist because we have a simple model, the rotation of the earth, that explains a

tremendous amount of data, changes in brightness, temperature, and atmospheric composition of the earth.

#### **1.10.4 Support**

Potts (2005:4-6) states that support varies from person to person and is designed to help each individual to gain the life skills they need at their own speed. With support people learn to deal with household chores such shopping, cleaning and laundry.

Grohol (2004:3) says that to support is to provide various types of help, sometimes nonprofessional and nonmaterial, for one of several shared, usually onerous, characteristic. For this study help took the form of providing and evaluating relevant information, relating personal experiences, listening to and accepting others' experiences, providing sympathetic understanding and establishing social networks, a support may work to inform the public or engage in advocacy.

#### **1.10.5 Perspective**

The word perspective can be defined as the effect of distance upon the appearance of objects, by means of which the eye recognized them as being at a more or less measurable distance. For example we usually say aerial perspective, the assumed greater vagueness or uncertainty of outline in distant objects. Perspective can also be defined as a way of thinking about something, a sensible way of judging how good, bad, important something is in comparison with other things (The Oxford English Dictionary, 2009: 1192).

### **1.11 TRUSTWORTHINESS AND CREDIBILITY**

Trustworthiness in qualitative studies is based on determining whether the findings are accurate (Creswell 2009:191). Polit and Beck (2009:539) argues that trustworthiness of the qualitative research can be guaranteed as follows:

*The use of rich and thick description will transport the readers to the setting and give the discussion an element of shared experiences (Creswell, 2009:191). Creswell (2009:191), De Vos (2005:346) and Polit & Beck (2009:539) explain that for the research findings to be credible, detailed description of the setting, all*

*the components of the population and all the steps taken should be provided. In this study, the researcher will provide a detailed description of the setting and all components of the population in this study. The steps taken will also be discussed.*

In qualitative it is not unusual to use a combination of documentary analysis, observation and focus group interviews. This might be the result of different angles of the same research, or a need to corroborate an account with other sources of data. Regardless of the reasons, the use of multiple methods in research in order to corroborate data sources increases the trustworthiness and credibility in research. The use of several data sources and different methods is called triangulation. Triangulation is defined as a procedure where researchers search for convergence among multiple and different sources of information to form themes or categories in a study (Creswell, 2007: 126). The idea behind triangulation is that the more agreement of different data sources on a particular issue, the more trustworthy and credible the interpretation of the data (Patton, 2001: 316). Patton (2001: 247) advocates that triangulation strengthens a study by combining methods. This can mean using several kinds of methods or data, including using both quantitative and qualitative approaches.

Another way of increasing the trustworthiness and credibility of your research consists of showing your research participants extracts of your interpretation of their interviews. The idea behind this way of increasing validity is that research participants are in a position to corroborate or disapprove the researcher's interpretations. Bashir, Afzal and Azeem 2008 put the following as ways of maximizing trustworthiness and credibility: prolonged and persistent field work allows interim data analysis and corroboration to ensure match between findings and participants reality, multi-method strategies allows triangulation in data collection and data analysis, participant language verbatim accounts obtain literal statements of participants and quotations from documents, low-inference descriptors record precise, almost literal, and detailed descriptions of people and situations, member checking check informally with participants for accuracy during data collection frequently done in participant observation studies, participant review ask participants to review researcher's synthesis of interviews with person for accuracy of representation frequently done in interview studies.

## **1.12 ETHICAL CONSIDERATION AND CONFIDENTIALITY**

Permission, for the study, from directorate of Gauteng Correctional Services at the district level will be requested including Ethics committee of Unisa. Ethical considerations will be observed throughout this research study. Participants will be informed of all aspects of the research that might influence willingness to participate, namely, the purpose of the study, data collection and the feedback of the results. The written, signed consent from all participants will be obtained beforehand and that there will be no payment to participate in the study (Frankel and Wallen, 2006:56-57).

Whenever research is conducted on people, the well-being of research participants must be a top priority. This principle must not be dismissed as irrelevant, or we can find ourselves making decisions that eventually bring us to the point where our study threatens to disrupt the lives of the people under study. Participants, in this research, will be ensured confidentiality, anonymity and avoidance of harm (physical, psychological or otherwise). The researcher will not identify a given response with a specific participant. The participants will be requested not to give their names in order to ensure that their identity is not revealed to anyone McMillan and Schumacher (2006, 142-145).

## **1.13 CHAPTER DIVISION**

### **1.13.1 Chapter 1: Background**

The introductory chapter/background will form a broad description of this research and will establish the importance of understanding and support for children in conflict with the law. Significant concepts, problem statement, aim of the study and research questions will also be discussed in this chapter.

### **1.13.2 Chapter 2: Literature review - Children in conflict with the law**

In this chapter the researcher will review the literature pertinent to understanding and support of children in conflict with the law from South African and international perspectives. The researcher will also examine the literature on the rehabilitation and reintegration programmes



for children in conflict with the law to get a significant deeper insight into the dimensions and complexity of the problem.

### **1.13.3 Chapter 3: Literature review - Theoretical framework- Bronfenbrenner's ecological systems theory.**

In this chapter the researcher will explore and describe relevant theory in order to develop framework for educators in an inclusive setting and for care-givers. In this case Bronfenbrenner's ecological systems theory will be employed.

### **1.13.4 Chapter 4: Methodology**

This chapter will explain the research design and methodology that will be used and give a rationale for its suitability and relevance for the selected participants. It will outline the nature of the population and sample selection method that will be used. The data collection methods relevant to the research design will also be outlined in this chapter.

### **1.13.5 Chapter 5: Findings and discussions**

In this chapter, the researcher will analyze the collected data from the interviews, questionnaires, observations and literature study in order to find the common issues in it. Data will be analyzed qualitatively using the common themes and concepts extracted during data collection.

### **1.13.6 Chapter 6: Conclusion and recommendations**

This will be final chapter of this research and the researcher will make final conclusions on the findings indicating how the research questions were answered throughout the research. The researcher will then make recommendations concerning the conclusions made.

## **1.14 CONCLUSION**

Reprisal and punishment should take second place to social measures for education and rehabilitation of children in conflict with the law. Dispossession of liberty should be a last resort. Appropriate rehabilitation and reintegration programmes can play a central role in giving back

the children in conflict with the law their dignity and respect. It can limit the damage that prison does to a human being. Relevant programmes can prevent the mind from decaying and give children in conflict with the law the opportunity to reflect on the possibility that they can successfully reintegrate back into the society. Preference must be given to alternative approaches, such as special education centres and open detention facilities, whose aim is social reintegration which focuses on the individual and his or her particular circumstances, while taking into account the interests of the victim. Consideration should be given to alternatives such as community-oriented sentencing/sanction.

In this chapter the background and motivation for the study were outlined. Literature review, problem statement, aim of the study and the research question were looked at as frame of reference for the study. Significant concepts were explained and the chapter division for the study outlined. The next section will look at review the literature pertinent to understanding and support of children in conflict with the law from South African and international perspectives. The researcher will also examine the literature on the rehabilitation and reintegration programmes for children in conflict with the law to get a significant deeper insight into the dimensions and complexity of the problem.

## **CHAPTER 2**

### **THE CURRENT GLOBAL SITUATION OF CHILDREN IN CONFLICT WITH THE LAW**

**“There can be no keener revelation of a society's soul than the way in which it treats its children”. - Nelson Mandela (2004)**

#### **2.1 INTRODUCTION**

As was indicated in the previous chapter, in this chapter the focus will be on children in conflict with the law within the context of inclusive education, including the international standpoint, the justice system process, legislative, intervention and support programmes, and current educational support. Inclusive education acknowledges that all children are capable of learning if they have the right appropriate support.

Education for learners with special educational needs has experienced radical changes during the last decade internationally, including major shifts in attitude and awareness. These changes not only benefit and enrich the lives of children with special needs but also enhance the learning experiences of all children. In the last few years attempts have been made to make education more accessible for all learners, but in order for the education system to promote effective and relevant learning it is imperative that the system be well structured for specific learners.

#### **2.2 CHILDREN IN CONFLICT WITH THE LAW WITHIN THE CONTEXT OF INCLUSIVE EDUCATION**

This section examines literature on the research topic, internationally then in South Africa.

##### **2.2.1 International developments on inclusion**

The inclusive education movement has become internationalised in that developed and developing countries have adopted the trend, though the movement towards inclusion may be attributed to different causes (Slee, 2010). Internationally, UNESCO has had a major influence on the development of inclusive education and has produced many documents for those seeking to develop more inclusive practices in schools. These materials are informed by

research into an inclusive approach to school and education system improvement. The emphasis in most UNESCO publications is on the need for system change and on the right to access quality education. The education of children from vulnerable groups, such as those in conflict with law, was seen not only as an issue of social justice and anti-discrimination but also as an opportunity for education systems to embrace change (Slee, 2010).

From 1975, education for children with special educational needs, including those in conflict with the law, has received worldwide attention and commitment, largely as a result of United Nations initiatives endeavouring to bring about universal education (Engelbrecht, 2011). Furthermore, inclusive education has become the subject of interest for teachers, professionals, education specialists and policymakers around the world. The United Nations declared 1981 as the International Year of the Disabled, which helped in bringing about an enormous change in the attitude of the society and helped protect the interests and rights of people with special educational needs. In 1994, more than 300 representatives from 92 governments and 25 international organizations met in Salamanca, Spain, with the aim of promoting inclusive education for children and youth with special educational needs. The Salamanca Statement (UNESCO, 1994: viii) on principles, policy, and practice in special educational needs included “the most effective means of combating discriminatory attitudes, creating welcoming communities, building an inclusive society and achieving education for all. They provide an effective education to the majority of children and improve the efficiency and ultimately the cost effectiveness of the entire system.” It articulated the relationship between human rights and inclusive education, by reaffirming the ‘Education for All’ (EFA) in the regular education system.

It is believed that every child has a fundamental right to education and their unique characteristics, interests, abilities and learning needs must be recognised in practice. Learners experiencing barriers to learning must have access to regular schools that should be made to accommodate them in a child-centred pedagogy that will meet their needs. Regular schools with this inclusive orientation are the most effective means of combating discriminatory attitudes, creating welcoming school communities, and building an inclusive society (UNESCO, 1994).

The World Conference on Education for All, held in Jomtien, Thailand in 1990, concluded that educational opportunities were poor, with basic education limited to literacy and numeracy and certain marginalised and vulnerable groups being deprived of quality, relevant and appropriate

education. A more developed vision was needed to achieve EFA by the year 2000 and the Jomtien Declaration drew attention to the need for globalisation of education and promotion of equity by ensuring that girls, women, children in conflict with the law and other vulnerable and marginalised groups gain access to education (Miles & Ahuja, 2007:08). The Dakar Framework for Action: Education for All was adopted at the World Education Forum in Dakar, in 2000, with the aim of achieving worldwide quality EFA by 2015 (Feng, 2010).

### **2.2.2 South African process of inclusive education**

Daniels and Garner (1999:1) argue that in some countries “processes of what may be seen as inclusion may be associated with large-scale political, economic and social change, as in the context of oppressed and disfranchised groups in countries like South Africa”. For Engelbrecht and Green (2003:12), “similarities [in special education reform] between two nations may be produced by different forces or might serve different functions.” South Africa, as a developing country, has embraced inclusive education in its policy development since the 1994 democratic elections (Department of Education, 2002:6). Prior to this, separate education for each of the various ethnic groups resulted in 17 different education systems running parallel, all under one central government, and inequities can be directly attributed to social, economic and political factors that were central to the policies of apartheid (Engelbrecht, 2012).

Underpinning much subsequent change was the Bill of Rights, in the Constitution of South Africa (1996:8-9), grounded as it was in principles of democracy, equity and non-discrimination and a respect for the rights and dignity of all. The South African Schools Act (1996:1-6) embodied the principles of the Constitution, stressing every person’s right to basic education and equal access to educational institutions. This act was a comprehensive framework used to transform a splintered education system into one single, non-racial, national system that was meant to meet the educational needs of all learners, including children in conflict with the law. The first steps in the development of an inclusive education system had been taken, and it is against this background, and with the aim of understanding not only special, but also mainstream education that the National Commission on Special Needs in Education and Training (NCSNET) and the National Committee for Education Support Services (NCESS) were reappointed to investigate and make recommendations on all aspects of special needs and support services in education and training in South Africa (DoE, 2002:5). Key findings were the diverse variety of needs that existed amongst the entire learner population and the need for the education system to be structured in such a way that both diverse learner and system needs

could be accommodated (DoE, 2001:28). As verified by the reports, most South Africa had been deprived of equal and appropriate education opportunities during the apartheid era, with those support services that did exist functioning along racial lines, with distinct inequalities in provision to black and white learners (Francis & Muthukrishna, 2004:107). The most marginalised and discriminated against were black rural learners with special educational needs.

The DoE has officially accepted inclusive education as policy, thereby establishing the basis for the development of a single inclusive education and training system (DoE, 2001:27). The concept of inclusive education involves "the practice of including everyone -irrespective of talent, disability, socio-economic background, or cultural origin -in supportive mainstream schools and classrooms where all learners' needs are met" (Walton, 2010). The movement towards inclusive education is closely related to the emergence of a new democracy that strives to establish a caring, humane, liberated society. Therefore, the ultimate goal or purpose of implementing inclusive education is to contribute to the development of an inclusive society with respect for diversity and universal opportunities to participate optimally and fulfil potential.

White Paper 6 was released by the Ministry of Education in July 2001, Special Needs Education: Building an Inclusive Education and Training System. It affected a major paradigm shift in education policy from a dual special education and general education system towards general education responsive to the diverse learning needs of all learners, together with children in conflict with the law (DoE, 2001:27). Inclusive education as defined in the White Paper 6 refers acknowledges that all children and youth can learn and need support. It calls for enabling education structures, systems and learning methodologies to meet the needs of all children, also children in conflict with the law, and acknowledges and respects differences in children, whether due to age, gender, ethnicity, language, class, disability, being at risk, circumstances, and HIV status or other infectious diseases. It calls for broader than formal schooling and acknowledges that learning occurs in the home, the community, and within formal and informal contexts. In addition, change in attitudes, behaviour, teaching methods, curricula, and environment to meet the needs of all learners, as well as children in conflict with the law is crucial. The need was recognised to maximise the participation of all learners in the culture and curriculum of educational institutions, and uncovering and minimising barriers to learning (DoE, 2001:6-7).

In summary, the introduction of inclusive education in South Africa has been part of the democratisation of the country after 1994, in line with international trends to eradicate the exclusionary practices of the apartheid era. Inclusive education clearly calls for a single education system that is tailored to respond to the diverse needs of *all* learners (Dyson & Florin, 2004:19) and is about maximising the participation of all learners in education, as well as children in conflict with the law. (Hay & Malindi, 2005:2). However, caution will have to be exercised that the ideological thrust is not so strong as to ignore practical realities of a developing country. In this regard the teacher-learner ratio, scarcity of education support services, limited physical resources and limited trained teachers will have to be accounted for (Engelbrecht, Green, Naicker and Engelbrecht 2004:5-6). Despite the many changes that have occurred within the education system since 1994, the education of children with special educational needs, including those in conflict with the law, continues to be a low priority in government departments (Francis & Muthukrishna, 2004:107).

## **2.3 INTERNATIONAL STANDPOINT**

Globally, the number of children in conflict with the law in correctional facilities and prisons, who have limited or no education, continues to grow and when they return to the community the prospects of securing legal employment and maintaining it are very small (Hrabowski & Robbi, 2002: 96-99; Tewksbury & Stengel, 2006:17-24; Zgoba, Haugebrook, & Jenkins, 2010:375). Many young offenders leave prison remain unemployed, often not by choice, and may be tempted to return to criminal behaviour. Thus, educating young offenders while they are in prison could be a valuable endeavour (Harlow, 2003:4).

### **2.3.1 United States of America**

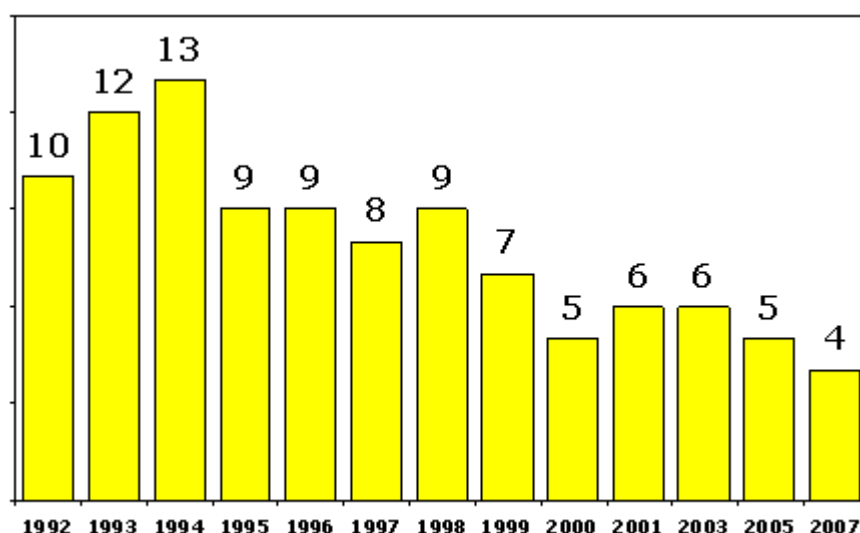
Even though the United States of America (USA) has made a noteworthy input to the modern international system for the safeguard of human rights it is still failing to ratify key human rights treaties, including the Convention on the Rights of the Child (Meuwese, 2003:32). Until the late nineteenth century, children in conflict with the law were dealt with through the same criminal justice system as adults, and children in conflict with the law were even executed, more than the number documented overall of any other country (Musiani, 2006:01). The children were given a defence as minors but obtained no other legally acknowledged special attention (Gardner, 1997:179). The juvenile courts of the twentieth century were founded on the ideal of rehabilitation and presented children in conflict with the law an individualised and non-punitive

deal according to their individual needs. Children in the American juvenile justice system are not convicted of an offence but rather adjudicated as delinquents, which means that despite any potential imprisonment they will not have a criminal record on release from correctional care. The time served could also be influenced by legislation relating to parole. The system differs considerably from state to state in the structure of decision-making in connection with the placement, programmes, length of stay and eventual release (Ehlers, 2006:17).

In some states the juvenile court's involvement with an adjudicated child in conflict with the law ends with the decision to commit him or her to state custody (Cunningham, 2004:87). The correctional facilities take over from there, determining the placement location, the level of security, the length of stay, educational and rehabilitation programmes and the timing and conditions of release. There are states in which juvenile courts impose definite periods of confinement for children in conflict with the law, in the manner of an adult criminal court handing down a prison sentence. In some states the decision to release a child to the community belongs exclusively with the correctional facility and state in which the court makes or at least reviews the release decision (Ehlers, 2006).

Ehlers (2006:18) argues that the intention of the system described above resonates with the original intention of the Child Justice Bill in South Africa, to treat each child individually and to put up a sentence, education and rehabilitation programme plan that would address the unique circumstances of a specific child. The positive aspect of this system is that it allows professionals trained in care and management of children in conflict with the law to determine how best they be rehabilitated and reintegrated into society. The danger inherent in this system and the lesson for South Africa lies is that suitable monitoring mechanisms are not in place. The correctional and care facilities have an opportunity in terms of how length of custody and rehabilitation programmes, but need to ensure that children do not remain in the system for longer than necessary.





**Figure 2.1: Juvenile violence in the USA**

Carmichael (2010) claims that crime rates for children in conflict with the law have been declining steadily since 1994 in the USA, reaching the lowest level ever recorded in 2007. A high percentage were directly related to the illegal sale and use of drugs, smuggled into the country by organised groups of criminals despite efforts by the government to stop the illegal drug trade. The children become addicted to drugs, and sometimes rob or break into houses or shops in order to get money to buy them. Concern about crime has also led to special educational programmes and rehabilitation programmes to stop child crime and to help children in conflict with the law lead useful lives after their prison sentences end. In one programme, children were brought into the prisons to talk with prisoners, based on an idea is that prisoners can persuade young people to turn from crime (Levitt, 2010).

### **2.3.2 United Kingdom**

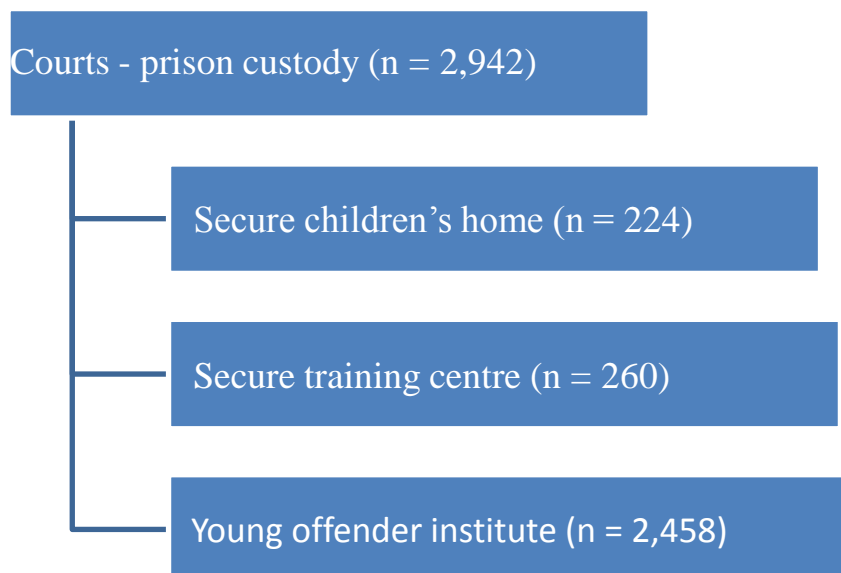
Children under 10 years of age are not held criminally liable in the United Kingdom and those in conflict with the law aged between 10 and 16 are subject to special juvenile laws which assert that the criminal courts may imprison them only from the age of 12. Children between 12 and 15 are held in a local authority secure education and training centre where standards of care are higher than those in a prison. Those aged 15 years and over are detained in a designated juvenile unit, usually located within an adult prison and consequently lacking the protection that they would have enjoyed under the main piece of child protection legislation, the Children Act 1989. Seventeen year olds are sentenced under juvenile law but subject to adult legislation with regard to police detention and remand stipulations (Meuwese, 2003:35). The

legal circumstances of children is controlled by the Crime and Disorder Act of 1998 and the Prison Service Order Number 4950, which regulates care, excluding them from the Children Act (Meuwese, 2003:33).

Within the first few days of incarceration children undergo an induction programme during which time have the opportunity to discuss with one of the prison staff, normally someone qualified in the area of counselling, what they hope to achieve during their time in the institution. They are given the opportunity to select educational courses that may further their education and assist them in finding rewarding employment upon their return to society. They also have the opportunity to decide whether or not they would like to undergo a course of rehabilitation that includes counselling to help with issues of anger and have the chance to talk through with a professional the reasons they have been incarcerated. Many children find that they can study in formal education classes or learn a trade such as carpentry. These pre-release courses are offered alongside a course of drug treatment in order to help them break the cycle of drugs and crime that has perhaps led to their incarceration in the first place (Feilzer & Hood, 2004: 67).

When they arrive all children are assigned a personal officer who may be trained in the areas of psychology and mental health and is available to answer questions as and when they arise. However, it is worth noting that, contrary to popular belief, the accommodation of children in these correctional facilities is designed to punish, not simply a means of removing them from society for a term of rehabilitation (Feilzer & Hood, 2004:68).

The figure below indicates that in 2009 the average population of children in penal custody in England and Wales was 2,904, the majority of whom are routinely held in prison service accommodation, young offender institutions, some of which are privately managed. A smaller number are held in privately managed secure training centres and local authority secure children's homes (UNICEF, 2009:4).



**Figure 2.2:** Children in custody as on 20 July 2009 (UNICEF, 2010: 4)

### 2.3.3 The Philippines

The Philippines has signed several international treaties pertaining to children's rights and juvenile justice, including the United Nations Convention on the Rights of the Child, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice or "Beijing Rules", the United Nations Guidelines for the Prevention of Juvenile Delinquency or the "Riyadh Guidelines", and the United Nations Rules for the Protection of Juveniles Deprived of Liberty (Alejos, 2005:15- 21). The ratification of the Republic Act number 9344 was an important step for children's rights in the domestic laws, with the government pledging to promote and protect the wellbeing of the children and to observe international standards in their treatment and detention. The regulations which supplement the RA 9344 refer in particular to Article 40 of the Convention on the Rights of the Child and the importance of children being treated in such a way that their sense of dignity and right to participate in education, vocation and life skills programmes are respected. Reference is made to dealing with children in conflict with the law without resorting to legal proceedings, and the need to seek alternatives with regard to institutional care (Department of Justice [Philippines], 2006:6- 12).

In practical terms the legislation increased the age of criminal responsibility from 9 to 15, and called for the establishment of the Juvenile Justice and Welfare Council and for the establishment of local councils for the protection of children in conflict with the law to implement the legislation. The RA 9344, together with its implementing rules, forms a

comprehensive piece of legislation (Preda Foundation, 2008:3-4). A child shall only be searched by a law enforcement officer of the same gender and shall not be locked up in a detention cell. These provisions of the 2006 Act demand that a child-friendly attitude be adopted by the law enforcers. The Philippine government, through the legislation, has recognised the rights of children in conflict with the law, as the statute book contains provisions demanding that they be treated with humanity and respect, and states that they must not suffer cruel, inhumane or degrading treatment. The legislation encourages contact between the minor and his or her family, and recognises the need for increased sensitivity and transparency from the law enforcers when dealing with frightened children (Preda Foundation, 2008:12).

Children are held in a young offenders' institution (YOI), which is not markedly different from an adult prison, except for the way it is run. An induction session is organised for the first few days after children arrive, providing an opportunity to talk through any concerns and issues and discuss opportunities for education and training during their sentence. A 'sentence plan' using the Offender Assessment System (OASys) is developed for all children who have at least four weeks to serve, which not only helps them make the most of their time in custody but also to plan for when they are released. The aim is to prepare them to lead a law-abiding life after their release. Some YOIs provide opportunities for young offenders to take part in community service volunteer programmes, which might involve working with children with a disability or the elderly, thus contributing positively to society and providing invaluable work experience (Preda Foundation, 2008:13).

All YOIs have personal officer schemes, the staff of which are trained to help with any questions or problems and who play an important part in developing and refining a prisoner's sentence plan. Every YOI offers education classes as well as practical training courses that will improve skills and chances of finding a job after release. Pre-release courses help children raise concerns regarding life after the correctional facility, such as accommodation, benefits, drugs and family (Preda Foundation, 2008:14). Rehabilitation and educational programmes and services are continuously, including social services, home life services, educational services, health and dental services, economic and livelihood projects, recreation and sports activities, development and cultural activities and spiritual programmes. While in the centre, children are offered training in earning and gaining skills in income generating activities for the future. These include, tailoring, backyard gardening, candle making, automotive mechanics, agro-farming, poultry raising, soap-making, high speed sewing, basic electronics, refrigeration and air-conditioning. Alongside efforts of the government to improve their situation is active

participation of non-governmental organisations (NGOs) in implementing, networking, mobilising and advocating for responses to the needs of the children (Preda Foundation, 2008:18).

Filipino children who come into conflict with the law are often from marginalised groups, including street youth, drug users and those with interrupted education who have limited access to the family and societal structures meant to protect them. These children straddle the child and adult worlds and are frequently mixed with adult prisoners and sexually abused in the overcrowded cells. Here 80 to 100 prisoners crouch for 24 hours, taking turns to lie down because of small size of the cells. The heat and unpleasant smell is overpowering. Malnutrition and contracting diseases such as tuberculosis, HIV/AIDS and hepatitis are daily risks (Preda Foundation, 2008:18).

#### **2.3.4 Summary**

The above discussed countries were chosen because for them education is not a starting point in youth justice systems. In these countries rehabilitation and education are not the key focus and in essence rehabilitation and education programmes should be the focal point. In addition, the courts must take account of family background and school achievements in order to look for opportunities for successful reintegration into society, rather than focusing primarily on the offence, as tends to be the case in more liberal systems, for example England and Wales (Sickmund, 2010). Furthermore, emphasis here should be on successful reintegration into the community, social inclusion and maintaining positive relationships in the child's life. The juvenile courts should try to achieve social rehabilitation through measures of care, preservation and education (Workman, 2011).

#### **2.4 AFRICA'S CHILDREN IN CONFLICT WITH THE LAW**

In the past, African communities focused mostly on the victims of crime, with restitution and reconciliation considered crucial to righting the wrongs caused by crime (Kgosimore, 2002:41). African indigenous law places greater emphasis on people, duties and rights, particularly harmonious relations and reconciliation for all those involved (Vorster & Whelpton, 1996:3). Traditionally, African families took collective responsibility for one another, and in some rural areas this is still the case (Muntingh & Monaheng 1998:13). When a matter could not be settled within the family circle, senior relatives or community members were invited to assist

with the reconciliation process. In the Eastern Cape, the Thembu people, for example, practiced a philosophy of healing and reconciliation by placing the victim, the offender, and the community at the heart of the justice process. Imprisonment of offenders did not form part of African indigenous law (Ou, & Reynolds, 2010).

The role of the family as understood in the African context involved the extended family and the community in dealing with child crime, however, in many parts the traditional supportive role of the family and community is changing because of family disruption, armed conflicts and civil strife. Poor parenting skills are shaped and aggravated by poverty, poor housing and harmful environmental conditions. In early childhood the quality of parental and family relationships and care, a healthy environment and living conditions are all important. Children growing up in dangerous environments, such as lawless neighbourhoods, or city slums, those affected by some form of social disadvantage, such as families in crisis, those with little or poor schooling, or with behavioural distress affecting social integration are most at risk of committing crime. These are children who need family and community support and care (Van Ryzin, & Leve, 2012).

Additionally, levels of education of children are generally low in Africa, many living in impoverished areas without primary education or the money to afford it. Others do not progress beyond primary level for reasons of cost and availability of secondary education, whilst others leave school early, dropping out of school under pressure from families to earn money or provide family care, or because school teaching methods and curricula are outdated or irrelevant in the context of their lives. This increases their vulnerability to crime and further reduces their opportunities to find productive work and fruitful involvement in the society (Van Ryzin, & Leve, 2012).

#### **2.4.1 Nigeria**

Nigeria was known to have executed children in conflict with the law in the 1990s but currently the country is undertaking a reform of its child laws to bring the country in line with the principles and rights contained in the United Nations Convention on the Rights of the Child. This process has resulted in a draft Child Rights Bill, a comprehensive piece of legislation encompassing all aspects relating to the welfare and care of the child, education as well as child justice. Nigeria is therefore one of the countries that has opted to include both protection and child justice measures in a single Act (Musiani, 2006:2-3).

To realise the rights of children in conflict with the law in Nigeria, UNICEF assisted with extensive advocacy, consultative meetings and awareness campaigns, to governors, legislators, policymakers and community organisations. These efforts were instrumental in the development and passing of the Child Rights Act (CRA) and child rights laws in 16 states, over and above the Trafficking in Persons Prohibition and Administration Act. The Child Rights Act represents a decisive step for the protection of children in Nigeria as it domesticates the obligations of the Convention on the Rights of the Child and consolidates all laws relating to children in a single piece of legislation. The Act specifies the rights and care of children and the duties and obligations of government, society, parents and other authorities, organisations and bodies (UNICEF, 2010).

In Nigeria, correctional institutions for children are homes built for relevant education and rehabilitation programmes, intended to establish in them the will to lead a good and fruitful life after release. The institutions are expected to provide vocational training in tailoring, photography, welding, building (masonry or bricklaying), electrical installation, as well as formal institutional education. However, the goals of these institutions have not been realised in Nigeria due to lack of proper policy, legal and institutional framework for behavioural correction and preventative measures for children in conflict with the law. The objectives of the correctional institutions are also compromised by lack of proper planning and implementation, gross under-funding, under- and unqualified professionals, inadequate staff, and lack of necessary education and training facilities. Most of these institutions are not provided with sufficient funds to provide hygienic accommodation, food, sleeping materials, medical care, education, vocational training, recreation and leisure (UNICEF, 2008).

#### **2.4.2 South Africa**

Although the family is meant to be a starting point for crime prevention, most South Africans blame economic factors for the high numbers of children in conflict with the law. Many researchers have reported a lack of commitment by families and community to participate in youth crime prevention efforts (Mistry, Snyman & Van Zyl, 2001; Strydom & Strydom, 2005; Prinsloo, 2006). The community sees the police and government as responsible for crime prevention, however, though some homes with traumatised parents produce law-abiding citizens and others in similar situations produce children who become involved in criminality. With proper supportive rehabilitation and reintegration strategies it is possible to survive a

difficult childhood. Very few South African children in conflict with the law are able to access the intervention and rehabilitation programmes or be fortunate enough to encounter a positive family or community role model who is willing to offer an opportunity to learn differently. Crime, therefore, easily becomes an alternative occupation in which to display their distressful socialisation (Mandisa, 2007:64).

Education is a principal means for change within a society, but with little access to education and employment many disadvantaged youths turn to crime. Children who are released from prison often face stigma and social exclusion and are often unable to find employment, which leads to high reoffending rates. Rehabilitation and education programmes are essential for those who are incarcerated but often these programmes are inaccessible to those in need. They are an important component in helping individuals regain wellbeing and the ability to function productively in the society, yet for them to be successful they must extend attention beyond literacy skills and technical competencies that allow people to be employed. To truly rehabilitate would mean to restore the children to a state of mental and moral health. While this may not be possible for those who are already severely disturbed and damaged, the majority can reawaken human values, and emotional and social skills which would allow them to assimilate into society with respect, confidence and purpose. Rehabilitation must concentrate and educate the whole person, including both the intellect and the heart (Van Ryzin, & Leve, 2012).

If the education and rehabilitation programmes are to be upgraded the development of minimum standards will play a part. However, it is necessary to judge whether these programmes are effective, with a monitoring system that keeps track of children to enable assessment of re-offending. Similarly, a closer link between rehabilitation programmes, school and family support programmes should be established, aimed at developing a sense of personal responsibility on the part of the child's actions, and empathy for their impact on others.

## **2.5 LEGISLATIVE APPROACHES IN SOUTH AFRICA**

There is now a wide range of international policies from the United Nations and other international bodies on child legislation, both generally and with specific reference to children in conflict with the law. These include pronouncements on best practice, cutting across all essentials of the child justice system from early intervention to diversion and from fair trial and



justice issues to detention and rehabilitation as well as educational support (Kilkelly, 2008:188).

### **2.5.1 United Nations Convention on the Rights of the Child (CRC)**

Various international legal documents lay down standards and procedures by which children in conflict with the law should be treated from the time of arrest through all the steps in the process (Kilkelly, 2008:188). A juvenile or special court for children has special authority to try and pass judgments. In most modern legal systems, children are treated differently from adults, though severe transgressions, such as murder, maybe treated similarly (Child Justice Act, 2010:23). The most important children's rights instrument is the 1989 United Nations Convention on the Rights of the Child (CRC), which has been ratified by 193 states (with the exception of the USA and Somalia), and represents the most comprehensive, legally binding document on the treatment of children. Although this is the most recent agreement it was not the first to deal with matters of youth justice, as in 1966 the International Covenant on Civil and Political Rights, adopted by the United Nations, made reference to the need for children in conflict with the law to receive treatment appropriate to their age and legal status. Under the backing of the CRC, the United Nations has adopted three detailed tools on the deterrence of delinquency, the administration of child justice and the rights of children in detention (UNESCO, 1985, 1990a, 1990b; Kilkelly, 2008: 188-189).

These regulations usefully substantiate the provisions of the CRC and recognise the family and social context in which the child justice process is located. They also take into account the complex and challenging nature of interpreting human rights compliant with child justice principles in practice. The most recent instrument from the UN in this context is the General Comment of the Committee on the Rights of the Child, the expert body which screens implementation of the CRC (Kilkelly, 2008:190). Articles 37, 39 and 40, of the United Nations Convention on the Rights of the Child are of particular importance for children in conflict with the law, Article 37 of which guarantees liberty for children dispossessed of it; article 39 the restoration and rehabilitation of children in conflict with the law; and Article 40 the right of every child alleged as, accused of, or recognised as having infringed the penal law to be treated in a manner which takes into account age and the desirability of promoting rehabilitation, education and reintegration into society. It embodies the right to due process of law and the principle of alternative to formal proceedings. It also indicates that the deprivation of liberty should be avoided wherever possible and when appropriate (Meuwese, 2003:22).

Article 40 of the CRC recognises the usual right to due process and provides that children have the right to have charges explained to them in a language they understand and their privacy respected at all stages of the proceedings. This clear articulation of an age-appropriate and child-focused justice system is highly significant. The United Nations Committee on the Rights of the Child (UNESCO, 2007: paragraph 23) makes clear that due process for children demands that those working in the trial process – the police, judiciary, lawyers, probation officers and social workers – receive training on a systematic and continuing basis. It also requires that decisions be made without delay and with the involvement of the child's parents and or family, where this is in the child's best interests (paragraph 23). According to Article 40 (2) (b) (vii) of the CRC, privacy must be respected 'throughout all stages of the proceedings' (paragraph 23). According to Article 40(3) CRC, the government must develop measures for dealing with children without resorting to judicial proceedings, provided that human rights are safeguarded. The United Nations Committee on the Rights of the Child (UNESCO, 2007: paragraphs 11–12) remarks that diversion not only evades stigmatisation but also has good outcomes for children and has proven to be cost-effective. When a young person commits a minor offence the Committee recommends that a range of measures, including removal from the criminal justice process and referral to social services, should be a 'well established practice that can and should be used in most cases' (paragraph 13).

In line with the Convention on the Rights of the Child (UNESCO, 1989: Articles 37 and 40), children in conflict with the law have the right to treatment that maintains their sense of dignity and worth, and that takes into account their age, rehabilitation, education and reintegration into society. To add, placing children in conflict with the law in detention should be a measure of last resort, to be evaded as much as possible. Furthermore, the convention forbids the enforcement of capital punishment and life imprisonment sentences for offences committed by persons under the age of 18, as is the case in the USA.

Internationally, the United Nations Children's Fund (UNICEF) is a member of the Inter-Agency Panel on Juvenile Justice, which aims to enhance global synchronisation in youth justice system, including encouraging ongoing dialogue with national allies in youth justice reform and identifying, developing and propagating common legal tools and good practices. Furthermore, UNICEF aims to reduce incarceration while protecting children from violence, abuse and exploitation. It promotes education and rehabilitation with the involvement of families and communities as a safer, more appropriate and effective approach than punitive measures.

Instead, justice systems designed for adults often require the capacity to effectively address these issues and are more likely to harm than improve the chances of successful rehabilitation and social reintegration because children might be exposed to violence and abuse. UNICEF, therefore, firmly advocates diversion, restorative justice, appropriate education and training, and custodial sentencing, such as counselling, probation and community service (UNICEF, 2007:04).

### **2.5.2 Child justice system in South Africa**

The Child Justice Act came into effect in April 2010, one objective of which was to “entrench the notion of restorative justice in the criminal justice system in respect of children who are in conflict with the law” (Department of Justice, 2010:2). In an effort to both humanise the juvenile justice system and to protect the rights of children in conflict with the law the new legislation raised the minimum age of child offenders and provided for several diversion options (Department of Justice, 2010:73-76). In this Act, restorative justice is viewed as an approach that aims to “involve the child offender, the victim, the families concerned and community members to collectively identify and address harms, needs and obligations through accepting responsibility, making restitution, taking measures to prevent a recurrence of the incident and promoting reconciliation” (Department of Justice, 2010:18). Diversion alternatives include both family group conferencing and victim-offender mediation. For those young offenders who go through the child justice court the Act provides for both community and restorative justice sentences. These include referring the case to a family group conference, victim-offender mediation, or “any other restorative justice process which is in accordance with the definition of restorative justice” (Department of Justice, 2010:84-88).

The Child Justice Act elevates the minimum age at which a child is considered to have criminal capacity from seven to 10, and children under 10 do not have criminal capacity and therefore cannot be arrested or prosecuted, but rather must be referred for social services if they commit a crime. Children older than 10 but younger than 14 may be arrested and prosecuted, but they are presumed to lack criminal capacity. In other words, the prosecutor must prove to the court that the child knew the difference between right and wrong and had the capacity to act on that knowledge before the prosecution can proceed. Children who are 14 or older are considered to have full criminal capacity (Department of Justice, 2010:73-76). They are therefore tried as adults. The Act was written to reform the law in line with constitutional and international obligations (Jamieson, Proudlock & Waterhouse, and 2007:13).

Specific rights for children are also provided for in section 28 of the South African Constitution. “A child’s best interests are of paramount importance in every matter concerning the child” (s 28 (2)). This means also that when a child has come into conflict with the law his or her best interests are paramount, but at present the legislation governing the criminal justice system is not equipped to ensure that this is so. The Constitution also states that children should only be detained as a measure of last resort and for the shortest possible period of time (s 28(1) (g)), when they are accused of committing an offence. Children who are detained must also be held separately from persons over the age of 18 and must be treated in a manner and kept in conditions that take account of their age (Republic of South Africa, 1996:1255). The justice system process for children in conflict with the law will now be discussed.

### **2.5.3 Justice System Process for Children in Conflict with the Law (South Africa)**

Procedures against children in conflict with the law must be implemented in such a way as to ensure respect for their rights and safety and must take into account their age and willingness to rehabilitate. This is meant to avoid any form of labelling because of the criminal offence committed and give priority to the implementation of educational over punitive measures. A criminal procedure administered against a child is characterised by the exclusion of the public and to protect privacy trials should be closed to the public and media. This is listed as one of the allowed exceptions to the right to a public trial. Judgments are not public as a rule and the children have the right to be represented by a defence counsel throughout the procedure (South African Law Commission: Report on Children in conflict with the law Justice, 2000: 234-235).

#### **i. Arrests and initial review**

The law court for children is a special court or department of a trial court which deals with under-age defendants charged with crimes or who are neglected or out of the control of their parents. The normal age of these defendants is under 18, but the law court does not have jurisdiction in cases in which minors are charged as adults. The procedure is not always adversary, although the minor is entitled to legal representation by a lawyer. Parents, relevant members of the community, social workers and probation officers may be involved in the process to achieve positive results and save the minor from involvement in future crimes, however, serious crimes and repeated offenses can result in sentencing offenders to prison,

with transfer to state prison upon reaching adulthood with limited maximum sentences (South African Law Commission: Report on Children in conflict with the law Justice, 2000: 234-235).

Other ways that youth enter the system include referrals by parents and schools, delinquency victims, and probation officers. A decision is usually made after arrest as to whether a youth or child should be detained and charged, released, or transferred to another welfare programme. The officer handling the case makes this decision based on information obtained from the victims of the crime committed, the child, the parents, and any past records with the justice system (South African Law Commission: Report on Children in conflict with the law Justice, 2000: 235). Arrests are usually sent to the court, where they are reviewed or screened by an intake unit, which may then determine that the matter be handled informally or diverted from the official court process. If not diverted, the child may be formally charged and proceed to an adjudication hearing. The intake function is performed outside court (South African Law Commission: Report on Children in conflict with the law Justice, 2000: 235).

## **ii. Pre-trial procedure / Pre-adjudicatory process**

Pre-trial procedure identifies the appropriate charges and the prosecutor decides whether to file a formal petition in the case. If the facts of the case are established there may be formal adjudication. When the case of a child in conflict with the law court reaches the probation department an intake officer will decide whether to dismiss it, handle it informally, or hear it formally. To make this decision the officer reviews the facts surrounding the case to decide if there is enough evidence for a trial. If the court has received adequate evidence to hear the case a decision will be made as to whether the case should be heard formally or informally. If the information available is inadequate the case will be dropped (South African Law Commission: Report on Children in conflict with the law Justice, 2000: 234-235).

While a youth awaits trial he or she may be held in a secure detention facility. A judge will determine if the child should be detained before and through the course of the trial, and define the intent of the detainment, in a detention hearing, usually held within 24 hours of the arrest. A child will typically be detained if he or she poses a threat to him/herself or to public safety (South African Law Commission: Report on Children in conflict with the law Justice, 2000:237).

### **iii. Adjudication process**

At an adjudication hearing the court hears the evidence and testimony pertaining to the case and the judge decides upon adjudication. If the proceedings result in a failure to adjudicate (*acquittal*) the petition might be dismissed and the case considered closed. Even without adjudication, a case may be continued in contemplation of dismissal. For instance, the court could make recommendations prior to dismissal of all charges, such as paying restitution or voluntarily attending drug counselling. Such a case would not be considered complete until the youth followed through as instructed and the charges were dismissed. Cases that result in adjudication (*conviction*) are sent for a disposition hearing (*sentencing*) (South African Law Commission: Report on Children in conflict with the law Justice, 2000:239).

### **iv. Disposition process**

The disposition process is used to impose sanctions and services, and at the disposition hearing the court determines the most appropriate package of services and sanctions for each individual. Options often include commitment to an institution, placement in a group home or other residential facility, probation, referral to an outside agency for drug treatment or mental health services, community service, and/or restitution payments. There are many types of sanctions and services, of which the following are examples (South African Law Commission: Report on Children in conflict with the law Justice, 2000:250):

- Attend school full time with no unexcused absences or suspensions;
- Avoid contact with certain persons, including peers, who are considered to be a bad influence;
- Participate in individual or family counselling;
- Submit to random urinalysis to check for illegal drug or alcohol use;
- Obey a curfew, the hours of which will be set by the court;
- Not change residence without permission of the probation officer;
- Perform community service work;
- The child (and family) make restitution to victims for any property damage or personal injury;
- In the case of any drug offense, state law requires the court to suspend the child's driver's license privilege;

- Obey the lawful demands of the parent or guardian.

Ideally, the disposition is designed to protect public safety as well as address each child's individual needs. The disposition plan advises the court on which of the available options would best benefit the child and community. During the disposition hearing the probation officer, prosecutor, and the child are permitted to propose disposition strategies. The recommendations frequently include education and training, drug rehabilitation, limited confinement, restitution, and residential placement. A child may be placed on probation or within a residential facility for a designated time, or until the requirements of the disposition have been met. Progress will be assessed through periodic review hearings by the court and once the orders of the disposition have been met the case will be terminated. Once a youth has finished his or her term in a residential facility he or she will often be placed on aftercare, which is similar to parole. Essentially, the progress and behaviour are monitored by the correctional department for a certain time (South African Law Commission: Report on Children in conflict with the law Justice, 2000:255-260).

## **2.6 INTERVENTION AND SUPPORT PROGRAMMES IN SOUTH AFRICA**

Intervention programmes are important in childrearing matters; especially when parents are seeking solutions to behavioural problems of children. However, sometimes intervention programmes may give a diagnosis not a cure and the bulk of the work remains with parents, caregivers and teachers. Intervention programmes are often inadequate and fail to intervene successfully in halting behavioural setbacks. Some programmes might fail to mediate with children who are reluctant to realise their mistakes. In contrast, parents might have done the best they could under stressful circumstances, but other parental challenges occupied their time, thus leaving minimal opportunity to attend effectively to their children's issues (Westway, 2000:71).

The strengthening of parenting, family and school as well as community welfare might be an essential alternative to help the government rehabilitate and eventually successfully reintegrate children who have circumstantially been raised to lack the desire to explore and reach beyond violent and criminal experiences (Mandisa, 2007:77-78). When nine to 14-year-olds embrace crime as a favourable activity, overlooking the opportunities that might win through education and good neighbourliness, South Africa may not win the fight against crime unless the parents

take notice of the thoughtful role they pass on to their children. Ultimately, crime in South Africa has disastrous economic and socio-political outcomes (Mandisa, 2007:77-78).

### **2.6.1 Restorative justice**

Restorative justice is a theory of justice that relies on reconciliation rather than punishment, reliant on the idea that a well-functioning society operates with a balance of rights and responsibilities. When an incident occurs which upsets that balance, methods must be found to restore it, so that members of the community, the victim, and offender, can come to terms with the incident and carry on with their lives. In order for this to happen, the offender must accept responsibility for his or her behaviour and the harm it has caused to the victim, while the victim must be prepared to negotiate and accept restitution or compensation for the offender's wrongdoing. In essence, restorative justice aims to 'put right the wrong,' based on the idea that all people are connected, that crime is a violation of relationships, and that such violations create obligations (Fagan, 2004:1).

Although formal restorative justice programmes were first introduced in countries such as Australia and New Zealand, the concepts are not new to South Africa. In many communities the way of dealing with children in conflict with the law has traditionally included mechanisms that encourage them to take responsibility for their actions. This included outcomes such as an apology, restitution and reparation, and restoring relationships between offender and victim. Where a community is involved, meetings are held publicly so as to provide everyone with a sense of ownership in the process. This is still evident in the way traditional courts function and the principles they uphold. Offenders in most cases are not separated from their support system of family and close relatives, but rather those closest to offenders hold them responsible. In other words, concepts that have been labelled 'restorative justice' have been in use in South African communities for some time (Naudé, Prinsloo, Ladikos & Setlatjile, 2002:2).

The South African government is in the process of moving from a retributive to a more victim-centred criminal justice system, with magistrates and prosecutors playing a crucial role. A survey found that they are receptive to restorative justice processes although they are also uncertain about many aspects, especially at the sentencing level, and it is therefore important that they be informed and trained properly in the objectives and outcomes. A survey in the Pretoria area found a surprising number of magistrates and prosecutors already using



restorative justice sentencing options, which can probably be ascribed to the Restorative Justice Centre and NICRO operating there. With proper training and information, South African magistrates and prosecutors will be receptive to restorative justice as a sentencing option (Naudé, Prinsloo, Ladikos & Setlatjile, 2002:3-5).

### **2.6.2 Family conferencing**

Family group conference was pioneered in New Zealand in the 1980s during the reform of the children in conflict with the law justice system. It is a form of restorative justice that was devised after consultation with the public, including Maoris and Pacific Islanders, throughout New Zealand. Australia, Canada, the USA and the United Kingdom have all piloted some form of family group or community conferencing as diversion or sentencing options. In South Africa, NICRO first began introducing the idea of diversion of children in conflict with the law away from the criminal justice system in 1992, using the concepts of restorative justice. In 1995 the Inter-Ministerial Committee on Young People at Risk set up a pilot family group conference in Pretoria. Other South African pioneers of family group conferences are the Stepping Stones Project in Port Elizabeth, the Durban Assessment, Reception and Referral Centre, the North West Province Department of Social Services, Arts, Culture and Sport, and the Restorative Justice Centre (Nicro, 2003).

The Family group conference is a type of restorative justice programme mentioned in the Child Justice Act, which provides for family group conferences to be a restorative justice sentencing option. In terms of the Act, a court may confirm, substitute or amend the recommendation arising from a family group conference. If the court does not confirm the recommendation it must note its reasons. Should a child not comply with the recommendation as confirmed by the court the probation officer must notify the court, and a warrant of arrest for the child may be issued (Child Justice Act, 2008:84-88). It is a restorative justice mechanism by which families and communities are involved in making decisions about children who are accused of crimes. The family group conference aims for negotiated solutions to conflict and is designed to heal the breach in social relationships caused by the crime. Restorative justice is not limited to this programme, but rather can embrace any other programme using restorative justice concepts. Other examples of restorative justice programmes are crime repair crews; victim intervention programmes; peace-making circles; victim panels that speak to offenders; sentencing circles; community reparative boards before which offenders appear; victim-directed and citizen-

involved community service by the offender; community-based support groups for crime victims; and community-based support groups for offenders (Nicro, 2003).

In family conferencing the child must first acknowledge responsibility for his or her actions. The family group conference itself is a meeting of all the people who are significant in the child's life, as well as the victim and the persons supportive of the victim. The main goal is to formulate a plan about how best to rectify the wrong, with all parties agreeing to the eventual outcome. They might agree, for example, that the child should apologise, or replace what has been stolen. Family conferencing is perceived to be especially suited to children in conflict with the law, as it allows for early intervention in what may otherwise become a criminal career. Children may also be more accountable and responsive to the process, which involves making them ashamed of their actions, as their personalities are still developing, and the process involves people close to them, such as their parents and families (Nicro, 2003).

### **2.6.3 Diversion**

Children in conflict with the law diversion in the strictest sense is the referral of a youth who has violated the law to an alternative programme, rather than having him or her going through an adjudication process into the justice system. In a broader sense, diversion is the development of alternatives to be used in solving the problem (South African Law Commission: Report on Children in conflict with the law Justice, 2000:255). Many feel that the most effective way to do so is for courts to severely punish them and ensure that greater numbers are locked up and kept off the streets. It is thought that heavier sentences would ensure they do not reoffend, however this is not the case. There is some evidence to show that more young people are being charged with more offences than in the past (South African Law Commission: Report on Children in conflict with the law Justice, 2000: 253-255) but it is not clear whether children are committing more crimes or whether they are being caught and charged more often. The reality probably lies somewhere between, however, often there is little point in punishing an offender as the punishment can be shown to be counter-productive. By charging them we are often condemning them to further and deeper involvement in the justice system, and particularly deeper into crime (South African Law Commission: Report on Children in conflict with the law Justice, 2000: 253).

To address the failure of the justice system the police force must develop and implement appropriate diversionary processes. The concept of diversion as a prevention tool is tailored to

policing, which with the proper application of the diversion concept will make significant headway. A diversion system is necessary as an alternative to the costly, overcrowded, and too often ineffective system (South African Law Commission: Report on Children in conflict with the law Justice, 2000: 255). When a child or young person commits a crime, attracting the attention of the police, that person will come into contact with the criminal justice system, progress through which is marked by various stages. The preliminary stage involves interaction with the police, which can include arrest, questioning, and charging, and possibly decisions by the police or the courts about bail. The next stage involves prosecution in the Local, District, or Supreme Court, depending on the seriousness of the offence, and generally ends in a decision about the person's guilt by a magistrate, a judge, or a jury. The final stage arises only on a finding of guilt, and involves the sentencing of the offender (South African Law Commission: Report on Children in conflict with the law Justice, 2000).

Diversion is a concept that can be used to refer to any measure that removes children from the criminal justice system at any one of these stages. It may simply divert offenders away from the system without directing them into any alternative process, for example, where the police issue an informal caution without imposing any further obligation on the offender (South African Law Commission: Report on Children in conflict with the law Justice, 2000:234-285). A more complex form of diversion directs children in conflict with the law away from the formal system into an alternative means of dealing with them, one that focuses on treatment rather than punishment. This form of diversion identifies the underlying causes of the child's criminal behaviour and seeks to redress them. Schemes based on this more complex form of diversion have attracted increasing support, for example, for offenders with drug and or alcohol addiction and young offenders. The trend towards greater reliance on diversionary measures as a response to criminal conduct acknowledges the limitations of traditional forms of punishment in reducing crime and appropriately rehabilitating and successfully reintegration to society (South African Law Commission: Report on Children in conflict with the law Justice, 2000:253-254).

Diversion at any level must only be used where there is convincing evidence that the child has committed an offence for which he or she freely accepts responsibility, when he or she gives consent, and when the acknowledgement will not be used against him or her in any subsequent legal proceedings (UNESCO, 1989: Article 37). The importance of legal advice and the need to restrict the discretion afforded to those operating diversion programmes is vital, and the advantages of diversion should not justify a lesser standard of rights protection. With respect to interventions in the context of judicial proceedings, the CRC details a variety of

dispositions, including care, probation, guidance, foster care, educational and vocational training, available to ensure that children are dealt with in a manner appropriate to their wellbeing and proportionate both to their circumstances and the offence. It is well established that detention must be a measure of last resort (UNESCO, 1989: Article 37).

Almost all of the legal documents refer to the rights of children in conflict with the law and crucial principles include a requirement to separate children from adults, although this is not always observed. In addition, instead of receiving greater attention, children's rights to protection from harm, to health care and to family life, and to appropriate educational programmes, are often ignored in the justice system. In spite of the number of detailed principles it is disturbing that serious breaches of rights still occur (Kilkelly, 2008:191). This leads to discussion of the current educational support for the children.

## **2.7 EDUCATIONAL SUPPORT**

A number of types of educational support are available for children in conflict with the law. Research suggests that participation in education, training and employment is a key protective factor in preventing offending and re-offending behaviour (Bandalli, 2000:81). Preventing children from being in conflict with the law in the first place is critical to ensuring positive life chances and successful pathways to adulthood.

### **2.7.1 Education and training**

Education and training can help them develop skills for life and work, and help prevent them from falling into cycles of crime. Unfortunately, many face multiple disadvantages, having complex needs and facing barriers to rehabilitation, education, training and employment (Krisberg, 2005: 73). Howell, Feld and Mears, (2012) write that in the United Kingdom, daily literacy and numeracy hours were introduced in young offender institutions in a crack down on prison education programmes. The Youth Justice Board made the move to encourage correctional institutions to improve their education programmes or lose funding as part of a £40 million shake-up of prison education. This followed an audit of the quality of education in correctional institutions and other secure facilities which found that many children had special needs that went unrecognised until they committed a crime. The audit also exposed poor or non-existent links between correctional institutions and teachers outside. Children arrived with no educational history, and programmes begun inside were not continued on release. The

Youth Justice Board believed that there should be better links between the correctional institutions, the outside education institutions and probation officers. In 2005, it proposed the reintroduction of schools for children in conflict with the law, suggesting that fewer should be institutionalised and more kept in open conditions, including residential children's homes and therapeutic communities (Hansen & Plewis, 2003:1-5).

There is a large body of research on the effectiveness of intervention and educational programmes for prevention of re-offending by children in conflict with the law (McGuire, Kinderman & Hughes, 2002), designed to prevent re-offending by children already involved in criminal behaviour and overwhelmingly the territory of criminal justice system. Whilst agencies outside the mainstream criminal justice system can and do play important roles in preventive initiatives with young offenders, the planning, commissioning and monitoring and usually the bulk of the delivery of such initiatives is principally a criminal justice responsibility (Wilcox & Hoyle, 2004). Dunkel and Pruin (2012) draw a distinction between two broad categories of approaches from within the criminal justice system to educate and rehabilitate children in conflict with the law. The first category comprises coercive interventions. These are sanctions primarily designed to generate restrictive, regulatory or punitive impacts, including fines, surveillance, curfews, community penalties and incarceration of varying levels of severity and discomfort. The thought underpinning this category is deterrence. The preventive effect of the different sanctions is understood to result from the decision of the offender to change future behaviour in order to avoid painful consequences (Dunkel & Pruin, 2012). The second category comprises developmental interventions, which are measures that seek to provide an increased range of personal education and resources that can support new possibilities for action, namely, greater self-esteem and understanding, changes in attitudes, personal and social skills, and education and training for work. The philosophy underpinning this category is mainly rehabilitation.

The preventive effect is assumed to result from the capacity of the individual to develop a more socially constructive lifestyle, given access to appropriate opportunities for positive change. Developmental interventions can be further categorised in terms of the focus of intervention, the individual offender (beliefs, attitudes, behaviours, skills); the family context (roles, relationships, support, conflict resolution); the school; the community and other spheres of the child's life. In many communities it is not uncommon for coercive and developmental interventions to be combined. Examples are the use of rehabilitative programmes within

custodial settings, or a community sentence which combines restrictive requirements with developmental opportunities (Dunkel and Pruin, 2012).

### **2.7.2 Restraint through education**

Compelling evidence is offered which shows that controlling crime through education may be an effective and economical method of reducing growing numbers of children in conflict with the law. Collaboration among education and treatment professionals is fundamental to the provision of appropriate special education services in correctional settings. On a systems level, collaboration between schools, communities, child-serving agencies, including the children, is widely acknowledged as a critical element in reform initiatives geared to curb reoffending (Utting, Vennard & Scott, 2002). Special education services and programmes are implemented in the context of the general academic and vocational programmes provided in the correctional facility; however, they often fall short of minimum professional standards associated with the operation of public schools. Although children in correctional settings are among the least proficient academically and the most vulnerable to school dropout, they are likely to receive substandard education services that deviate from currently accepted instructional practices. As Allen (2012) points out, correctional education programmes are largely isolated from the substantive changes that have influenced the regular and special education programmes in local communities since the 1980s. Teachers in correctional institutions may be unaware of the curricular changes and may continue to use strategies that have been demonstrated to be the least effective for learners in need of intensive learning support (Hollin, Browne & Palmer, 2002).

To add, the problems associated with providing special education in correctional facilities will not be corrected until appropriate instructional programmes are available for all children in conflict with the law. Special education services must be linked meaningfully to education and training programmes in correctional institutions, and special and general teachers can work together to design and implement individualised education programmes for all the children. Merely fixing specific aspects of special education programmes without substantially correcting education and training programmes will be a short-term solution at best. Ensuring that all children in conflict with the law within correctional settings receive appropriate services requires systemic changes in the way that the education programmes operate (Mulvey, 2011).

## **2.8 CONCLUSION**

In this chapter, children in conflict with the law from Inclusive Education context have been discussed, from an international standpoint, in terms of the justice system process, legislative approaches, intervention and support programmes, and current educational support. It was found that the contributory factors that bring a child into conflict with the law are numerous, varied and complex, and one single programme cannot explain all the complex conditions and circumstances. Similarly, application of one single rehabilitation programme will not appreciably reduce the numbers. Rehabilitation and reintegration programmes should therefore be based upon a collaborative approach and be developed for every particular child.

The next chapter will concentrate on examining the socio-ecological model that will help to understand children in conflict with the law, that is, Bronfenbrenner's socio-ecological model.

## **CHAPTER 3**

### **BRONFENBRENNER'S SOCIOECOLOGICAL SYSTEMS' THEORY AND RELATED THEORIES**

**“It takes a whole village to raise a child.” - African Proverb.**

#### **3.1 INTRODUCTION**

The previous chapter was a literature review that provided background information related to topics on children in conflict with the law. The major areas included international and South African standpoints on the justice system process, legislative approaches, intervention and support programmes and current educational support. It also offered a foundation on which to build an understanding of the topic. In this chapter, the main deliberation will be on the theoretical framework around understanding and supporting children in conflict with the law, informed by the integration of Bronfenbrenner's socio-ecological model. The theory and related theories look at a child's development against the background of a system of complex relationships that make up his or her environment (Paquette & Ryan, 2001:1). Interaction between factors in the child's maturing biology, the immediate family and the community environment, stimulates and drives the child's development, with changes or conflict on any one level rippling through other levels. To study a child's behavioural influences it is necessary to look not only at the child and her or his immediate environment, but also at the interaction with the larger environment (Paquette & Ryan, 2001:1).

In explaining Bronfenbrenner's socio-ecological approach, Swart and Pettipher (2005:10) state that in terms of this approach, systems are patterns of organisation, the identity of which becomes more than simply the sum of their parts. Any individual person or situation can be thought of simultaneously as both a separate entity and part of different systems. The learner is, for example, part of a family, a school system as well as a peer system, each of which system operates in stable and predictable ways that contribute to its continuity, yet retains the possibility of fluidity and change. The systems operate as different but interrelated levels in constant dynamic interaction. Change at one level has an inevitable, although not always predictable, effect on the other levels. At any particular level there are subsystems that also interact with each other and with other levels of the system. Part of one subsystem may at times form part of other subsystems.



These systems tend to maintain themselves, but at the same time are constantly changing and reorganising themselves in an attempt to achieve a state of equilibrium. A systemic understanding of change assumes circular rather than linear causality and the interrelatedness of all aspects of a situation. A small change at one level will potentially have an effect on the entire system (Donald, Lazarus & Lolwana, 1997:39). This approach acknowledges and accepts some degree of unpredictability, suggesting that any individual is likely to experience a range of contexts shared with others, but that the interactions of the individual characteristics, time, contexts and chance will have different consequences for different learners. It implies that each individual consists of multiple systems in interaction and develops holistically. The different levels of a system in the social context influence and are in turn influenced by one another in a continuous process of dynamic balance, tension and interplay (Donald *et al.*, 1997:39).

A fundamental element in Bronfenbrenner's model is an appreciation that the environment does not merely impact on the child but that the child also actively partakes in his or her own development and perception of context influences response to human and physical surroundings (Swart & Pettipher, 2005:12). Bronfenbrenner's theory is consistent with the establishment of an holistic, integrated educational support structure, acknowledging the important role that parents, teachers, education officials, peers, the extended family, the community and wider government structures can play in providing support, not only for individual learners, but also to all other systems that may impact on the development and maintenance of barriers to learning and development. This theoretical framework accentuates the need for educational support services to deal with all barriers to learning and development in a comprehensive and integrated approach, in order to ensure that quality support is provided at various levels of the system.

In this study, the main focus is on the role of the correctional facility within an inclusive education system and how it features in Bronfenbrenner's model. The attention will be on the role of the school and its influence on the development of the child, in other words the focus will be on the micro-system, meso-system and exo-system.

### **3.2 LEVELS OF BRONFENBRENNER'S DEVELOPMENTAL ECOLOGICAL SYSTEMS THEORY**

Urie Bronfenbrenner developed the ecological systems theory to explain how everything in a child and its environment affects how he or she grows and develops. He labelled different aspects or levels of the environment that influence development, in particular the microsystem, the mesosystem, the exosystem, macrosystem and the chronosystem. The microsystem is the small, immediate environment in which the child lives, and will include any immediate relationships or organisations with which he or she interacts, such as immediate family, school, neighbourhood and day-care facility. How these groups or organisations interact with the child will have an effect on how he or she grows, and the more encouraging and nurturing these relationships and places are, the better the child will be able to grow. The microsystem directly affects the child and vice versa and how a child acts or reacts to other people will affect how they treat him or her in return. Each child's special genetic and biologically influenced personality traits will affect how others treat him or her (Bronfenbrenner, 1979).

The mesosystem has a structural relationship with the microsystem, for example in links between the child's teacher and parents, church and neighbourhood. The exosystem describes a larger social system in which the child does not function directly, of which parent's workplace schedules or community-based family resources are examples. The macrosystem, meanwhile, may be considered the outmost level in the child's environment and comprises cultural values, customs, and laws. Lastly, the chronosystem incorporates the dimension of time as it relates to a child's environments. Elements within this system can be either external, such as the timing of a parent's death, or internal, such as the physiological changes that occur with aging (Berk, 2000:23-38).

Bronfenbrenner's conceptualisation of the ecology of human development provides a useful theoretical framework for research on the implementation of inclusion (Peck, 1993), as discussed in the following sections.

#### **3.2.1 Microsystem: the family**

With regard to the learner's microsystem, research has documented the mutual effects of children and the environment. In one study, teachers expressed concerns about the increased time and attention devoted to children in conflict with the law at the expense of attention

devoted to typically budding children (Thompson, & Cuseo, 2012). Other research has documented the positive contributions of preschool-aged learners with barriers to learning to inclusive programmes Rothenberg& Fisher, D. (2007).

While the importance of identifying family priorities and resources is self-evident, how to access them is individualised and not always obvious. Rowe, (2010) found that how one defines a family concern or need has much to do with the approach one uses to address it. For this author, a need exists whenever there is a difference between what the parent sees as normative or desirable and what actually exists from his/her perspective, not that of the teacher, social worker, or therapist. The role of the professional is to acknowledge and support each family's ability to identify its own concerns relative to the development and education of their child (empowerment) and to assist the family in acquiring both the skills and resources that may be necessary to effectively address particular concerns, such as misbehaviour. According to several studies, many parents do not feel that the activities organised by the school constitute real opportunities for family participation, and many actually feel powerless in decision-making processes (Burke, 2010).

More recent research has shown the effects of involving families by empowering and enabling them in the process of decision making within the ecological systems model. A model known as 'ecologies of parental engagement' (EPE) explains how parents' practices in relation to their children's school can constitute a transformative process in which they draw on multiple experiences and resources to define their interaction with it and its activities (Piquero, Hawkins, Kazemian. 2012). Instead of involvement to describe the specific things parents do, the researchers used engagement to include parents' orientations to the world and how those frame the things they do. The concept of parental and family involvement thus goes beyond a given individual and his or her participation in an event to include the contexts of an individual's decision to participate in an event, including relationships with other individuals, the history of the event, and the intra-familial resources available that may be utilised to support participation or engagement. Such an approach views the family as a complex organisation of individuals with unique patterns of communication and responsibilities that at times overlap and at other times are unique to subsystems that exist within the larger family system (e.g., the parent-child, spouses, siblings, and parents-grandparents). An intervention that focuses upon an individual is likely to affect any subsystem to which that individual belongs and in turn affect the entire family (Calabrese et al., 2004).

Pérez Carreón, Drake and Barton (2005) suggested one way to address family concerns in a meaningful manner for all involved as being to allow parents' life experiences and cultural capital to inform and shape the school's culture. Schools need to implement parental participation programmes by listening to parents' and other family members' voices and, in so doing, acknowledging the often unique needs and hopes reflected in those voices. In this way the distance between home and school may be reduced and a truly collaborative team formed. Cooper and Christie (2008) evaluated a District Parent Training Program (DPTP) which was designed to "educate and empower urban school parents" (p.2249). Although this was a curriculum-based parent education programme with the aim of empowering parents in helping their children in content areas such as English and mathematics, findings from the evaluation suggested a mutual benefit for parents and school. While parents felt more empowered through the programme, teachers and administrators gained a better understanding of family needs by giving those parents the opportunity to articulate their own needs and pinpoint the ways in which they wanted to gain from parent-oriented programmes. They also found that establishing true partnerships with parents required that teachers acknowledge and validate parents' views and ultimately share power. Partnership also requires teachers to show sensitivity to the culturally relevant values that influence parents' educational priorities and demands, and recognise that cultural, socio-economic and gender factors affect how parents participate in their children's education. It is important to recognise that implicit in such an approach is the assumption on the part of teachers that, as Rowe, (2010) has noted, every parent has the capacity to identify his or her own educational concerns and to acquire the skills necessary to play a central role in the education of the child.

Active family involvement has long been considered an important factor related to better outcomes in the education of young children with and without disabilities in inclusive early childhood programmes (Berger, 1995; Levy, Kim & Olive, 2006; Pérez Carreón, Drake & Barton, 2005). Research has shown that high levels of parental involvement correlate with improved academic performance, higher test scores, more positive attitudes toward school, higher homework completion rates, fewer placements in special education, academic perseverance, lower dropout rates, and fewer suspensions (Christenson, Hurley, Sheridan & Fenstermacher, 1997; Hoover-Dempsey & Sandler, 1997; Pérez Carreón, Drake & Barton, 2005).

Parental involvement is important for the education of children of all ages, but it is critical for the success of young children in inclusive settings (Filler & Xu, 2006). Although there has not

been a standard definition of the term *inclusion*, inclusive early childhood programming typically reflects three characteristics: (1) full participation of children with disabilities in everyday life activities with their typically developing peers in both school and community settings; (2) development and implementation of educational goals and objectives through team collaboration by parents and professionals; and (3) periodic measurement of child outcomes to ensure the effectiveness of the programme (Guralnick, 2001; Hunt, Soto, Maier, Liboiron & Bae, 2004; Odom et al., 1996; Siegel, 1996).

The recognition that family involvement benefits children does not make clear how the involvement becomes a positive force or what factors act to determine the degree of benefit. Family involvement is not a fixed event but a dynamic and ever-changing series of interactions that vary depending on the context in which they occur, the disciplines from which the collaborative team members are drawn, the resources parents bring to the interactions, and the particular needs of the child and the family. Traditionally, the education agency or school has created structures and activities intended to support involvement. However, as parents become involved, they do so with limited power to define their roles and actions (Quinn & Evans, 2010). They are often expected to agree with and support the structures and dynamics already in place. Parents who agree with the school and get along with the existing model are seen as good, whilst those who disagree are considered “problematic” (Lareau & Horvat, 1999; Pyles, 2009)).

Parent involvement is also related to teacher actions. For example, Anderson and Minke (2007) found that specific teacher invitations were significantly related to parent involvement, particularly among low-income families. They suggested that when parents perceived that their participation was desired by teachers they would often overcome obstacles to be involved, in spite of a lack of resources. Brown and Medway (2007) examined the relationships among measures of school climate, teacher expectations, and instructional practices in an elementary school with a high percentage of low-income, minority children. They found that when teachers valued parental input and family involvement they created ways to facilitate home-school communication. Exemplary teachers also felt responsible for building a positive relationship with parents and placed a high value on parents helping their children with homework and other activities. These teachers viewed parent involvement as more than physical presence at school and felt that parents could make a significant educational impact beyond what they might contribute by attending meetings and volunteering in the classroom.

### **3.2.2 Mesosystem: peers, school and neighbourhood**

The mesosystem refers to the connection between the microstructures, for example, connection between child's teacher and parent. It encompasses "the interrelations of two or more settings in which the developing person actively participates (such as, for a child, the relations between home, school, and neighbourhood peer groups)" (Bronfenbrenner, 1979:25). In addition, within it the different parts of a child's microsystem work together for the sake of the child. For example, if a child's caregivers take an active role in school, such as going to parent-teacher meetings and watching the child's football matches, this will help ensure the child's overall growth. In contrast, if the parents disagree on how best to raise the child and give conflicting lessons when they see him or her, this will steer the child's growth in different channel, possibly misdemeanour.

In the microsystem the child only appears in one setting and in this system it handles the relation between school and home or home and neighbourhood. Bronfenbrenner (1979) also includes the children's church, camp and workplace as a part of this system. The mesosystem develops as a human expands its territory, forming new relations and exploring new settings in the microsystems' boundaries. The child's social network becomes wider and therefore more complex, named by Bronfenbrenner (1979) as "the multi-setting participation", the most basic form of which can be exemplified by children's activities in two settings, as some hours a day in a preschool or day-care centre and the remaining hours at home. Bronfenbrenner (1979) adds that the ecological transition is also highly important in this system. The way the shift and connection between settings are handled affects the children's development, and if the new connection between home and school are handled by the child alone this might affect him or her in a negative way.

#### **i. Peers and school**

With regard to the learners' mesosystem, a study conducted by Winton (1993) found that family members' beliefs about inclusive education and the family's relationship with the school affect the implementation of inclusive education. The study also found that the way in which learners with barriers to learning relate to typical peers in the classroom setting may affect relationships outside class, for example, invitations to birthday parties. The way professionals serve children in conflict with the law, work with and feel about each of them is also a part of the mesosystem.

Successful attempts to meet the educational needs of children with a wide spectrum of needs in a single setting require careful planning, key to which is the identification of activities that allow for the meaningful participation of each child and are, at the same time, valid for the unique cultural identity of each family. As families, schools, and communities have taken more steps to fully integrate learners with disabilities into the schools, families and teachers have worked to find effective ways to plan together (Hernandez-Plaza, Garcia-Ramirez, Camacho & Paloma, 2010).

## **ii. McGill Action Planning System (MAPS)**

One approach that has been used since the late 1980s is the McGill Action Planning System (MAPS), a strategy originally developed by Marsha Forest, Jack Pearpoint, Judith Snow, Evelyn Lusthaus, and the staff at the Centre for Integrated Education in Canada. One particular characteristic of the MAPS is its focus on what the child can do, rather than its weaknesses or deficits (Ryan, Kay, Fitzgerald, Paquette & Smith, 2001). The main aim of the process is the involvement of friends of the child in conflict with the law in certain aspects of his or her educational and rehabilitation programmes. Usually, peers provide necessary and fresh perspectives on the needs of their friends in educational and rehabilitation programmes, and play a key role in supporting their peers who are in conflict with the law in regular activities and settings (Ryan et al. 2001). In addition, peers can help their fellow cohort to understand and appreciate the dreams and fears of the child relative to being accepted and valued as a member of the school community (Lafortune, Belend, Bergman, & Ankri, 2009). The involvement of peers is an essential feature of the MAPS process. Ideally, more than one friend should be included to decrease the likelihood that a child may feel uncomfortable in a predominately adult setting. The planning typically occurs in one or two sessions, but for younger children the session can be broken down into shorter periods. The seven key questions to be addressed by the MAPS are: What is the individual's history? What is your dream for the individual? What is your nightmare? Who is the individual? What are the individual's strengths, gifts, and abilities? What are the individual's needs? What would the individual's ideal day look like? And what must be done to make it happen (Ryan et al., 2001)?

Addressing the questions that compose the MAPS process, however, should be a continual activity for the planning team. The facilitator may choose to address the questions in different sequences based on different situations. Peer participation helps the planning team to brain-

storm the needs of the child in conflict with the law, describe his or her aspirations from typically developing peers' perspectives, share concerns or fears for the child, and develop goals that capitalise on the child's needs (Vandercook, York & Forest, 1989).

Family involvement and support is also an important factor for the success of educational and rehabilitation programmes of a child in conflict with the law (Palmer, Fuller, Arora, & Nelson, 2001; Salend, 2006), however, it cannot be taken for granted that family members understand the value of this. The MAPS process provides multiple opportunities for professionals to explain essential features of the programmes but experience has shown that many families initially view their involvement not as a set of services intended to support their success. The provision of an opportunity to ask questions and share concerns about their needs and priorities in a supportive and non-judgmental environment goes a long way toward building a collaborative relationship within the family (Salend, 2006).

### **3.2.3 Exosystem**

The exosystem refers to structures that impact on the child's mesosystem and therefore have ripple effects on the child. It includes all external networks, such as community structures and local educational, medical, employment, and communications systems, which influence the microsystem, and consists of settings "that do not involve the developing person as an active participant, but in which events occur that affect, or are affected by, what is happening in the setting containing the developing person" (Bronfenbrenner, 1979, 25).

In the learners' exosystem, Peck, Mabry, Curley and Conn-Powers (1994) state that the service delivery agency responsible for programmes in inclusive education provides an example of an exosystem setting, and that the way the agency is organised can affect programme implementation. In a study that followed inclusive education programmes in Washington over a 5-year period it was found that the programmes that were able to sustain inclusion services appeared to be those with organisational structures that had been reshaped explicitly to support the implementation of inclusive education (Wasserman and Clair, 2011). Examples of factors operating at the exosystem level include the interaction of professionals responsible for educational and rehabilitation programmes, formal and informal policies of school systems, and social policy that connect organisational layers. Any of these exosystemic factors can affect the experiences of individual learners in individual educational and rehabilitation programmes (Borg, Karlson, Tondora, & Davidson, 2009).



Formal education takes place in school; therefore as a system it plays a critical function in determining the scope to which the child realises his or her potential. In implementing inclusive education, the Department of Education is the exosystem and through schools it has to play a major role in teaching learners in a manner that will assist them, as diverse as they are, in their cognitive development. It is imperative for teachers to have support from other levels or systems in doing their work.

The exosystemic level includes the other people and places that the child in conflict with the law might not interact with but that still have a significant effect on her or him, including parents' workplaces, extended family members and the neighbourhood. For example, if a child's parent gets laid off from work that may have a negative effect if his or her parents are unable to pay rent or buy groceries. However, if the parent receives promotion and a raise at work this may have a positive effect because the parents will be better able to meet her or his physical needs (Tondora, O' Connell, Miller, Dinzo, Bellamy, Andres-Hyman, & Davidson, 2010).

#### **i. Families and Schools Together (FAST)**

Different approaches to the involvement of families in after-school activities have provided examples of the positive impact such activities may have upon the development of children. For instance, Families and Schools Together (FAST) is an after-school, multi-family support programme designed to increase parental involvement in schools, build family-community networks through schools, and improve the academic and social outcomes of children in the USA (McDonald, Coe-Braddish, Billingham, Dibble & Rice, 2006). Thousands of low-income families from diverse backgrounds have increased their involvement in schools and communities through the FAST project since its inception in 1988, and it has been implemented in more than 800 schools in 45 states and five other countries. Positive outcomes of target children include significantly better academic performance, a decrease in aggressive behaviour, and an increase in social skills. In addition, it has shown a positive effect regarding less substance abuse among diverse, low-income urban families. Issues such as income and family-school-community connection are extremely important factors that may influence the effectiveness of intervention in families of children in conflict with the law (McDonald et al., 2006).

In the FAST programme, a collaborative, culturally diverse team of parents and professionals forms a multi-family group to engage the parents in building social networks through the schools. In these relationships, different levels of the child's social ecology are considered and appear to act as protective factors against the occurrence of negative behaviour such as substance abuse. This multi-family group model emphasises high commitment and retention rates that reflect the cultural norms of the community (Skiba & Horner, 2011). Consistent research findings have supported the significance of family-school-community connection in communities (McDonald et al., 2006; Santiago-Rivera, Arredondo & Gallardo-Cooper, 2002). Respect for parents as active partners in the process of supporting the child's success in school and life in general clearly is a key part of the FAST project.

FAST's effectiveness is based on the fact that it values the interdependence within the ecological system. Within the system, the community structure based on reciprocal relationships is a key component for families from diverse cultural and linguistic backgrounds, though it is often lacking (Keigher & Cross, 2010). The social network beyond school and family does play a critical role in both family functioning and successful intervention for children in conflict with the law in areas of school performance, classroom behaviour and social skills (Kaczmarek, Goldstein, Florey, Carter & Cannon, 2004).

## **ii. Parent involvement**

Educating a child takes cooperation and involvement from teachers, parents, families and the community, consistent with the African proverb that "It takes a village to raise a child". Research has shown the greater the family and community involvement in the wellbeing of the child the greater his or her achievement (Niemic, Sikorski & Walberg, 1999). Parent involvement has an important influence on a child's school success (Smith, 2010), but currently there are an increasing number of children raised for some period of their childhood in less than ideal conditions. For example, in the USA at least a quarter of children live with one parent, and among African-Americans this figure increases to more than 55% (Adamczyk, 2012). At least one in five children in the USA lives in a family with an income below poverty level and this rate doubles among African-Americans and Latinos. An increasing number of mothers are working outside the home, consequently impeding involvement in their children's lives (Edwards & Young, 1992; Kreider & Ellis, 2011).

The family has always had an important influence on children, but even more assistance from the family is needed in order to ensure success of children in conflict with the law in school as well as in life as a whole. According to Lewis and Morris (1998), children, specifically those in conflict with the law, have five basic needs: a personal one-on-one relationship with a caring adult; a safe place to learn and grow; a healthy start and a healthy future; a marketable skill to use after finishing school; and a chance to give back to peers and community (Lewis & Morris, 1998:34). With an increased burden on families, communities are having a definite impact on children in a number of positive ways as community leaders continue to look to improve children's school performance (Macartney, 2011).

### **iii. Mentoring programmes**

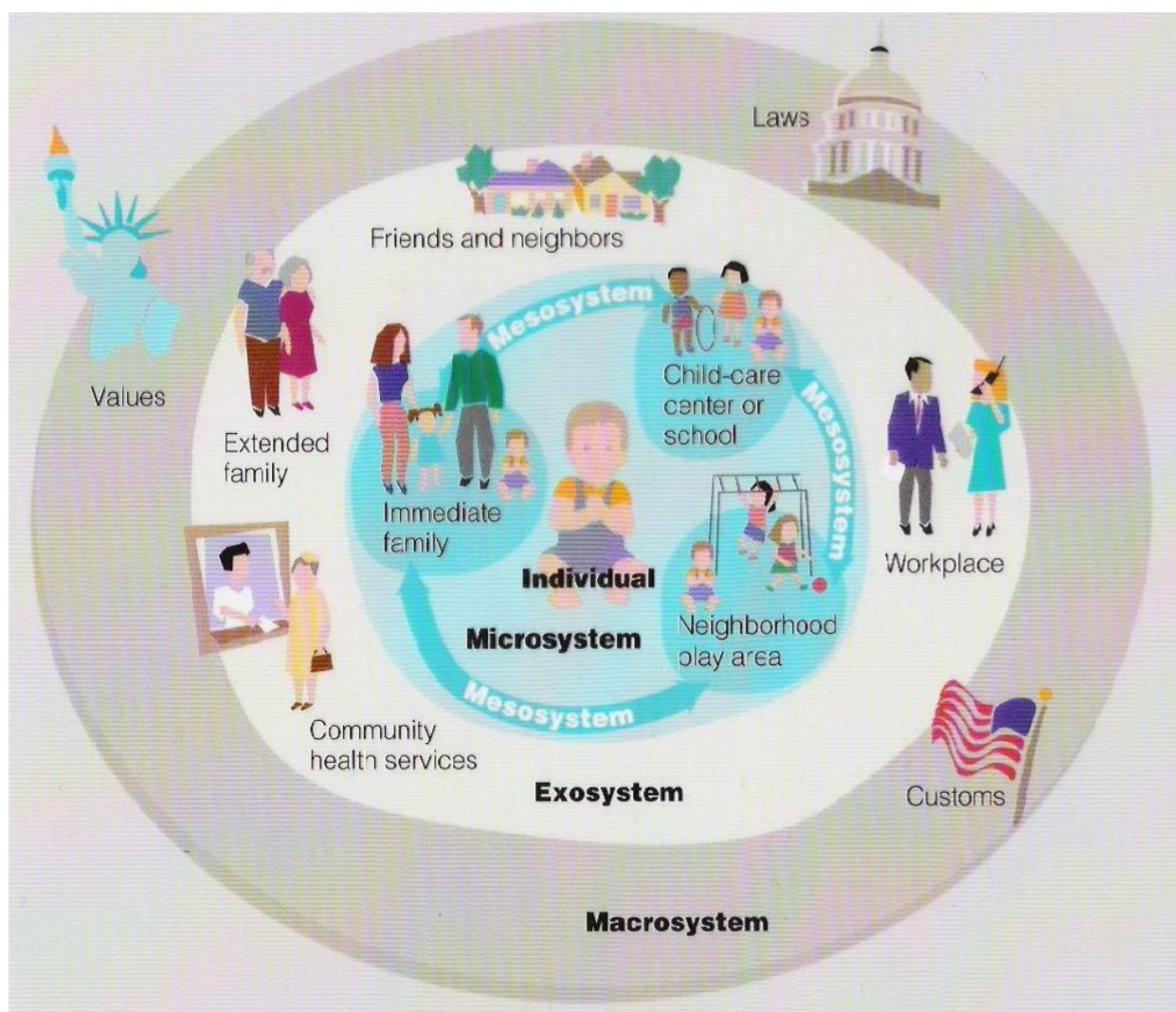
Mentoring programmes are one way community members can have contact with schools (Hamilton & Hamilton, 1992). Many school systems are currently starting up mentoring programmes with much success, which is a step towards each child having a personal relationship with an adult in whom they can confide. Mentoring programmes should primarily concentrate on children in conflict with the law, especially those from single parent homes or environments of poverty or crime (Hamilton & Hamilton, 1992). Adults who serve as mentors benefit from these programmes by making a contribution to work with a single young child. It can give adults a chance to give back to their communities and increase their own sense of self-worth (Hamilton & Hamilton, 1992; Lewis & Morris, 1998). Adults who act as mentors may also inspire children to give their time to community service. An effective mentor must be committed, accepting, supportive, and a positive role model (Rowley, 1999). Adults can volunteer their time and resources in one-on-one tutoring, small group instruction, grading papers, career counselling, coaching, library assistance and fundraising (Niemiec, Sikorski & Walberg, 1999).

### **3.2.4 Macrosystem**

Bronfenbrenner's final level is the macrosystem, which is the largest and most remote set of people and things to a child but which still has a great influence over children in conflict with the law. The macrosystem envelops the micro-, meso-, and exosystem, and includes the relative freedom permitted by the national government, cultural values and the economy, which can also affect a child either positively or negatively. It includes those structures that have a

ripple effect on the child, although distant, for example, government policies, cultural values, political philosophies, economic patterns, and social conditions (Paquette & Ryan, 2001).

Bronfenbrenner (1979:26) defines the macrosystem as “consistencies in the form and content of lower-order systems ... that exist at the level of the subculture or the culture as a whole, along with any belief system or ideology underlying such consistencies”. All settings at each level operate within a cultural context. Bronfenbrenner (1979) claims that learner, family, school and macrosystem factors, such as the cultural and economic fabric of society, including policies, legislations and judicial systems, can give rise to a child in conflict with the law who reoffends. It is, therefore, not satisfactory to scrutinise individual factors, such as family, peers or school, separately. The importance of this level in application of the juvenile justice system is the interaction between the child in conflict with the law and the environment, which may include family, peers, school, and community. The main aim of the juvenile court is to change the behaviour of the child. According to Bronfenbrenner (1979:35), in order “to demonstrate that human development has occurred, it is necessary to establish that a change produced in the person’s conceptions and activities holds over to other situations and other times”. This change is unmistakable in the lives of children in conflict with the law when they make the decision not to reoffend because of the influences of their ecosystem.



**Figure 3.1:** Levels of Bronfenbrenner's Developmental Ecological Systems Theory (Bronfenbrenner, 1979)

### i. Cultural Influence

To be culturally proficient one needs to understand the concept of diversity that encompasses acceptance, inclusiveness, and respect (Lindsey, Robins & Terrell, 2003), and each individual is a unique but at the same time inseparable unit within the multi-level systems. Cultural influence exists in all contexts, from immediate family environment to larger social settings within the ecological systems. It guides one's implicit thoughts and feelings towards a specific phenomenon and one's explicit behaviour in social interactions.

Cultural pathways are made up of everyday routines of life, as cultural activities to which children from different backgrounds may act or react differently. For example, one might expect

that children growing up in a culture that bestows significant value to the sibling relationship would respond to a brother's or sister's disability differently from children raised in a culture in which sibling relationships were secondary, even to friendships. However, cultural context has been given minimal attention in research on sibling adaptation to disability, with but a few exceptions (Lindsey et al., 2003).

Culture-related values are reflected in the quality of sibling relationships, and cultures that highly value collectivity and group identity tend to have strong, close sibling relationships. In those that value sibling companionship and caretaking, older siblings are often given more responsibility by their parents while younger children receive more attention from their parents and older siblings. In cultures that value the autonomy of the individual child, sibling relationships are less interdependent, and siblings tend to become competitors for their parents' attention. Parents often seek to foster individual identity and achievement, to treat siblings equally and fairly, and to protect them from being overburdened by each other's care (Weisner, 1993). Therefore, when one child, who is in conflict with the law, receives more attention and care from parents because of his or her special needs, the impact on the siblings will vary from culture to culture. The context of cultural beliefs and expectations for sibling companionship and intimacy should be considered when identifying family concerns and needs because of the role they may play in effective intervention for the child with special needs (Lindsey et al., 2003).

The cornerstone of Bronfenbrenner's model is a belief that individual human development, socialisation explicitly, arises as an outcome of interactions within and between multiple surrounded ecological systems impacting upon the developing young person:

*... to assert that human development is a product of interaction between the growing organism and its environment is to state what is almost a commonplace in behavioural science ... the principle asserts that behaviour evolves as a function of the interplay between person and environment, with paying special attention to the interaction between the two (Bronfenbrenner, 1979:16).*

The social ecological model proposes that the progression of human development occurs when mutual exchanges become apparent between the individual and the environment, which are both mutually influential within the context of their ecological systems

In addition, the teenage years are a time when youth explore their world with fresh self-determination, ideals, and principles, while at the same time learning to develop skills, behaviours and attitudes that will transpire into adulthood (Godwin, Steinhart & Fulton, 1996:3). The first important influence on children is the family in which they and their parents are interactive members of a larger socio-ecological system, namely, the school, workplace, and child-care services (Danziger & Ratner, 2010). When connections are made between youth, family, friends, and the community it is evident when they take an active interest in their environment because this can lead to the development of active ownership of their fate. More specifically, Bemak and Keys, (2000) argue that when youth make enhanced associations in their schools, families, and communities this can lead to a noticeable decrease in evils facing today's adolescents. When this marked connection occurs and children are a central part of their community, schools are better equipped to address the growing problem of crime, which is an obstacle to a child's worthy education. In this case, families and members of the community can take a leading role when dealing with issues of crime and emphasise the importance of family and community in the life of children in conflict with the law.

Furthermore, regardless of the juvenile justice procedure by which children in conflict with the law are processed, they are still being held accountable for their actions through positive peer influence and by having their parents present during juvenile justice process. These essentials in a young offender's life are consistent with Bronfenbrenner's theory that parents and peers play vital roles by means of positive and negative influences. For Bronfenbrenner (1979: 22), "the aspects of the environment that are most powerful in shaping the course of psychological growth are overwhelmingly those that have meaning to the person in a given situation".

When faced with their acknowledged crime, children in conflict with the law must accordingly accept or deny all mandatory sanctions immediately. This social perspective of positive peer demands simplifies the influence between interpersonal relations in the microsystem, which includes the child in conflict with the law and the peer judges. In line with Bronfenbrenner:

*... the aspects of the environment that are most powerful in shaping the course of psychological growth are overwhelmingly those that have meaning to the person in a given situation ... An ecological transition occurs throughout the lifespan and it is defined as whenever a person's position in the ecological environment is altered as the result of a change in role, setting, or both ... every*

*ecological transition is both a consequence and an instigator of developmental process (Bronfenbrenner, 1979:22, 26, 27).*

Swart and Pettipher (2005:9) assert that Bronfenbrenner's ecological model has much relevance in emphasising the interaction between an individual's development and the systems within the social context. It is essential to remember that understanding children in conflict with the law cannot be separated from the broader social context within which the child was born and bred. The theory indicates that as a child grows the interaction within these environments becomes more complicated. This complexity can arise as the child's physical and cognitive structures grow and mature. So, given that nature continues on a particular course, how does the world that surrounds the child in conflict with the law conceptualise and support his or her relentless development? (Paquette & Ryan, 2001:3). In Bronfenbrenner's theory, the systems within the social context and activities in which children in conflict with the law participate, for example, family, peer group, school, and workplace, including correctional facilities, can be positively utilised as learning environments to provide opportunity structures for growth and development. To the extent that they offer adequate support, opportunities, and resources for personal growth, social settings can play a critical role in facilitating development in a positive direction (Larson & Verma, 1999:701-736).

### **3.3 IMPACT OF DEVELOPMENT ECOLOGY**

Bronfenbrenner focuses more on the individual's drive and ability to influence relative to their specific environment, and less on the individual's sphere of influence. In order better to understand the complex inter-relationship between the individual and society, Bronfenbrenner developed his model of 'development ecology'. Danziger and Ratner (2010) stated that what distinguishes development ecology from social psychology, sociology or anthropology is that it focuses on development within a context. It is not enough simply to describe the family context (the micro context), but rather one must also take into account how the various systems interact with children in conflict with the law and with each other (the meso context). The macrosystem is then crucial for placing this analysis within the context of daily living. In addition to the four system levels, time is another important factor in the developmental ecological perspective. Both the individual and the environment change over time and Bronfenbrenner maintains that these changes are critical to our understanding of how the different systems more or less clearly influence development (Bronfenbrenner, 1979).



In Bronfenbrenner's theory, everything is interrelated and interacts with each other, but to varying degrees and at different times. His theory focuses on relationships, both between people and between the different systems which constitute one's life and world. Bronfenbrenner's ecological theory of development has proved beneficial in providing an insight into the factors that play a role in the growth and development of children in conflict with the law. It also shows how the factors are related to each other and impact on the development cycle. Bronfenbrenner does not discuss them explicitly but rather presents a theoretical and analytical framework, pursuing a method for psychological study that is both experimental and descriptive. Specifically, Bronfenbrenner studies the phase of early childhood development (ages 3–5), that is home, pre-school, day care and the playground. Between the offset list items, he (1979) explains and gives readings of selected studies, in the "Interpersonal Structures" chapter introducing basic terms and concepts for what he calls 'social networks,' and interpersonal structures as contexts of human development. The dyad (a person-person bond) is further characterised in the following classes, that is, observational dyad, joint activity dyad, and primary dyad. The model below has been slightly modified as it originally related to individuals as buyers and sellers rather than takers and givers (Bronfenbrenner, 1979).

### **3.4 DEVELOPMENT ECOLOGY AND RESILIENCE**

People who study children have drawn up theories to explain how they develop, in many different areas, to become healthy, happy, productive members of adult society. There are four main areas, that is, physical, psychological and cognitive, social and emotional, and sexuality and gender identity (Montgomery & Côté, 2003). First, the physical area is most obvious. Children's bodies grow in height and weight over the years and change appearance during puberty. Children also develop certain physical abilities during their progression towards adulthood, including crawling, walking, running and writing or shooting a basketball. Secondly, children also develop psychologically and cognitively as their brains absorb more information and they learn how to use it. Children have to learn how to think on purpose and to process or organise all the information that comes to them from the environment. They must learn how to solve problems, to talk, and to complete mental tasks such as remembering telephone numbers or using computers (Berk, 2009). Thirdly, they grow socially and emotionally, learning how to interact, play, work, and live with other people such as family, friends, teachers, and employers. They learn how to understand both their own feelings and others' emotions, and ways of dealing with strong emotions. In order to function well as independent adults, they must develop a sense of self-esteem as they go through the long process of seeing what

shapes their identity, or who they are. They develop a sense of morality as they learn the difference between right and wrong (Gleason, 2005). Finally, children have to develop sexually and form a gender identity. This developmental channel is unique because it spans developments across the other physical, psychological, and social channels. Early on, children learn how their bodies work and look, and what it means to be male or female. They learn how boys and girls are different and as they grow older and enter adolescence and puberty they continue to learn how their bodies work sexually and how to responsibly handle their sexuality so as to balance their sexual desires and appropriate behaviour. They continue to decide for themselves what it means to be masculine or feminine throughout their lifespan (Lightfoot, Cole & Cole, 2008).

Infancy is the time when children first learn they can trust an adult or parent to take care of all their needs, keep them safe, and give them love. Some infants live in orphanages, for instance, where there are far too many babies for the few nurses and staff members to take care of them. These children go through their first years with hardly any touch or affection that would teach them to trust and to show affection to caregivers. Normally, children who do not get the right nurturing at the right times to invigorate their developmental potential may have problems later in life, a deficit that sometimes has permanent consequences. If these children are adopted by a loving family later in their childhood they may have trouble adjusting to an affectionate, loving parent. There have been many cases in which children who start out in that kind of orphanage environment do not gain the ability to show affection or emotion toward family, or even the ability to show remorse or compassion toward other people, no matter how loving and nurturing their adoptive family was in their middle childhood. Such a child's ability to trust and love would have essentially become ensnared in infancy, even though the rest of their body has continued to grow. The question of whether the critical period idea or the sensitive period idea is more correct hinges on whether this ensnarement is overcome, in full or in part, in the child's later life (McDevitt & Ormrod, 2007).

While it will be much more difficult for the child and the child's teachers and caregivers to learn what was not learned during early years or the critical phase, sometimes missing capabilities and skills develop later in life. While some children cease to develop there is evidence to support the notion of a sensitive phase as well, with those born in the same understaffed orphanages and later adopted going on to learn to love, trust, and show affection to their family and friends. In such situations the families have to show extreme patience and perseverance as they nurture these older children because they are not going to be able to learn such trust

and love as quickly and as easily as infants (Hanson 1989:71-2). However, it is also important to remember that the critical phase can also affect children in ways other than neglect or deprivation. There is a critical phase for language acquisition that occurs during infancy, though children begin learning how to understand and create language from birth. They will absorb and copy the language they hear around them during that time (Moore 2006:50), nonetheless, for many reasons children and adults may leave their original home and move to a new country or region in which a different language is spoken. They will then need to learn to understand and create the new language, even though they were not exposed to it during that early important period. Whilst it will take more time and perhaps special tutoring, many children and adults can learn a new language proficiently later in life (Wilbur, 2008:123).

Development ecology makes a significant input to our understanding of the behaviour of children in conflict with the law in relation to the context surrounding them on different levels. Individual development cannot exist without the participation of individual influence and willingness to change (Christensen, 2007). Through the development of, for example, information technology and access to information, the child in conflict with the law is given more freedom of space of activity and independence, albeit individuals behave in different ways when acting. Some individuals see possibilities while others see difficulties and obstacles, and the surrounding environment, societal framework (local and national), and organisational context (family, friends, personal network, and workplace) play key roles in development as a whole. The development ecology model provides a valuable explanation of why freedom of activity and transformation processes are defined and estimated by individuals in various ways (Engler, 2007).

Bronfenbrenner's model lacks the aspects of intrinsic level understanding and entrepreneurial factors since it does not see the individual as an independent actor, hence it needs to be completed on an intrinsic level which describes the individual's resilience and entrepreneurial skills in a social context. On all levels above the micro level, there are different kinds of relations with regard to the children in conflict with the law. What is not so evident is the encounter concerning the individuals' beneficial willingness to create, implement and take risks in order to fulfil the need to satisfy themselves and others (Drakenberg, 2004). Adding resilience and entrepreneurship to Bronfenbrenner's development ecology model provides a wider understanding of the individual's development and knowledge-based process. Individuals with a resilience capacity and entrepreneurial skills define their own space of activity, regardless of their environmental context. They have the capacity to reflect on the

interplay between different levels in their surrounding world in relation to their own development (Engler, 2007).

By using Bronfenbrenner's model, together with aspects of interrelatedness and interactions, it is possible to see how society influences the lives of children in conflict with the law, particularly in the way they interact. Bronfenbrenner maintains that children develop within a whole context, though this standpoint has been criticised by Paquette and Ryan (2001), who argue that the individual needs to be studied for his or her individual conditions. The ability of individuals to influence their success should be the point of focus, before the surrounding context and its levels which simultaneously act upon and interact with the child and influence his or her development (Paquette & Ryan, 2001).

### **3.5 BRONFENBRENNER'S ECOSYSTEMS THEORY AND RELATED THEORIES**

This section examines the topic from various theoretical perspectives. Systems theories and social learning theories produced dependable models that are useful in examining the phenomenon of children in conflict with the law. Bronfenbrenner's theory has integrated the ecological outlook and has its foundations in social control and social disorganisation, and describes the breakdown of social norms and values. This provides a framework for studying relationships between the child and family, between the child and the peers and school, and between the child and community.

#### **3.5.1 Bronfenbrenner's ecological systems theory and social learning theory**

The large scope of this theory provides a framework for studying causes, development, treatment and attitudes, but its strength lies in its focus on the child, family and peers (micro), and to a lesser extent the child, school, correctional facilities and teachers (meso). For example, regarding the causes of conflict with the law, systems theorists would argue that certain changes in the social environment are influential. Another example is that parents' use of drugs may lead to the extended family's intervention, changing the family structure and leading to more emotional damage and instability for the child (Barnard, 2003). Proponents of social learning theory argue that the lack of internal integration of community values may lead to conflict with the law (Mitchell, 2003).

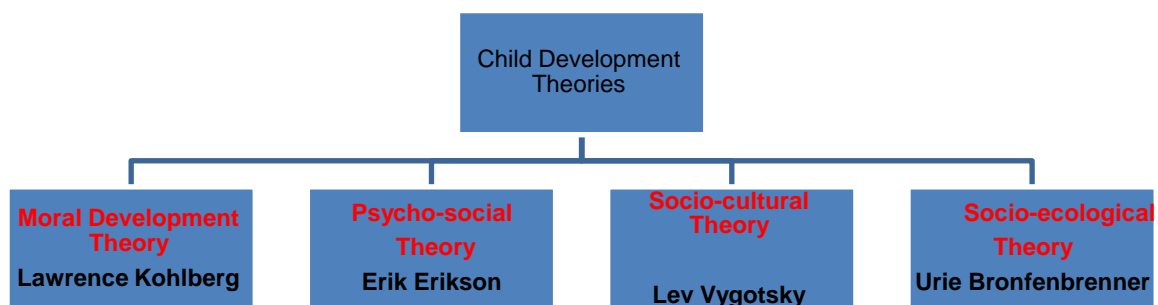
These theories provide adaptable frameworks that can be tested comprehensively, for example, Martin and Swartz-Kulstad (2000) use person-environment psychology in order to assess factors influencing the lives of children in conflict with the law within the community and neighbourhood. Moses (1999) uses this type of assessment based on systems principles to find a relationship between “exposure to violence and symptoms of depression”. Social learning theory is based on learning principles that are used by many theorists who set up intervention programmes for behaviour modification, such as aggression replacement training (ART), anger control training (ACT), moral education (Goldstein, Glick & Gibbs, 1998), and reality therapy (Glasser, 1965). These techniques are replicated by social workers, whose mission is to treat serious cases in various settings.

A study by Huey, Henggeler, Brondino and Pickrel (2000:451) found that “changes in family relations and delinquent peer affiliation mediated the relationship between caregiver-rated and reductions in delinquent behaviour”. Social learning theorists would predict the behaviour of children in conflict with the law by using as independent variables concepts such as “exposure to violent movies” or “youths’ preference for action and fighting programs” (Singer, Slovak, Frierson & York, 2005). These factors would be used as stimuli that are internally processed by children who copy the violent behaviour they watch. If they cannot self-regulate or control their attitudes they may not be able to avoid disruptive, anti-social behaviours. Whilst systems theory focuses on relationships among external conditions that can affect behaviour, and is very useful in understanding external factors, in contrast, social learning theory emphasises the internalisation of external conditions, experiences, and models. Both theories are therefore necessary to help explain and understand children in conflict with the law and are complementary (Singer, Slovak, Frierson & York, 2005).

Proponents of systems theory and social learning theory define ‘being in conflict with the law’ in a simple but condensed way, that is as systems being unable to sustain equilibrium when subsystems do not function correctly. When the socialisation process fails, the child is negatively influenced, and antisocial behaviour develops. Social learning theory can be summed up in the concepts of modelling and self-regulation, through which children who choose to observe negative behaviour, may try to imitate the model they are offered and so learn crime. Without self-regulation they may not be able to avoid troublesome and antisocial behaviour (Mitchell, 2006).

### 3.5.2 Link between ecological systems and child development stage theories

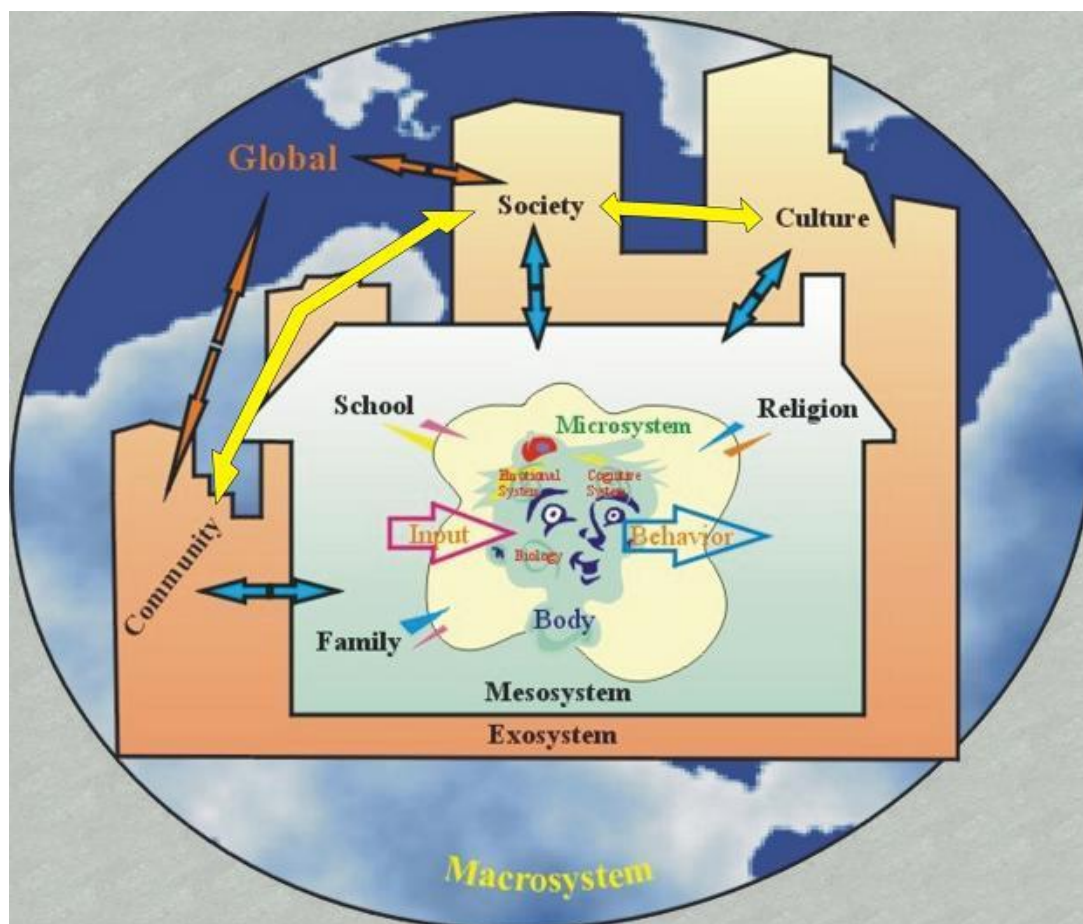
The many theories of human development to a large extent involve the study of child development, because the most significant changes take place from infancy through adolescence. Some of the most influential theorists are Erik Erikson, Lawrence Kohlberg and Lev Vygotsky. Erik Erikson's psycho-social theory gave rise to the term 'identity crisis,' and Erikson was one of the first to propose that the stages of human development cover one's entire life, not just childhood (Pearce and Denton, 2011). His ideas heavily influenced the study of personality development, especially in adolescence and adulthood. Lawrence Kohlberg's three stages of moral development illustrate the process through which people learn to discriminate right from wrong and to develop an increasingly sophisticated appreciation of morality. Vygotsky's socio-cultural theory focuses on how culture, which comprises the values, beliefs, customs, and skills of a social group, is transmitted (Ratner, 2002).



**Figure 3.2:** Major child development theories

Historically, child development has been the domain of the social sciences, particularly psychology and the health and educational sectors, but it is being increasingly acknowledged that there are clear implications for government, the security services and others. Child development can be considered from the perspective of an ecological model, with children in continuous interaction with their environment, as represented in Figure 3.5. The cognitive system, together with the emotional and biological, form the core of the child's being. Beginning in the womb, it gathers knowledge from its sensory faculties, recognising, feeling, and collecting data. The brain processes this data into a representation of the world in which it exists. Humankind has struggled throughout history to understand its environment, an expedition initially driven by the need for survival. As humans evolved into more complex social beings the quest broadened to include ways to control the environment and to understand themselves.

Through the works of figures such as Erikson, Kohlberg and Vygotsky, there are now models for the ways in which cognitive, emotional and biological systems develop. Kohlberg and Erikson postulate that these systems develop in stages, whilst the nested environments of which Bronfenbrenner writes can be seen as the physical structure related to them (Ratner, 2003).



**Figure 3.3:** Links between Ecological Systems and Child Development Stage Theories (Bronfenbrenner, 1979)

### 3.5.3 Erik Erikson

Erikson used Freud's work as a starting place to develop a theory about human stage development from birth to death. He focussed on how peoples' sense of identity develops and how people develop or fail to develop abilities and beliefs about themselves which allow them to become productive, satisfied members of society. The theory combines the way people develop beliefs psychologically and mentally with how they learn to exist within a larger community of people, to form psychosocial theory. Erikson's stages are, in the chronological order in which they unfold: trust versus mistrust; autonomy versus shame and doubt; initiative

versus guilt; industry versus inferiority; identity versus identity confusion; intimacy versus isolation; generativity versus stagnation; and integrity versus despair. Each stage is associated with a time of life and a general age span. For each stage, the theory explains what types of stimulation children need to master that stage and become productive and well-adjusted members of society, and the types of problem and developmental delay that can result when this stimulation does not occur (Pearce and Denton, 2011).

For example, the first psychosocial stage is trust versus mistrust, and it spans from birth to about the age of one year. During this phase, if children are consistently provided with all their basic needs, such as food, clean diapers, warmth, and loving affection and soothing from caregivers, they will learn that they can trust other people in their environment to love them and to take care of them, and they will believe the world is good. Conversely, if children are neglected and not given these things consistently, or if they are taken care of roughly and unpredictably, they will learn to question their caretakers, parents and/or adults and believe that others will not always be there to support them when needed. Learning to trust others is the first necessary step to learning how to have loving, supportive relationships with others and to have a positive self-image (Ratner, 2002).

The second stage, autonomy versus shame and doubt, spans ages one to three years. When children are autonomous, they feel confident that they can make their own choices and decisions and they will have positive experiences. Children become autonomous when caregivers are supportive and give them a safe space in which to make their own decisions and to experiment with their bodies and problem-solving skills, without shaming or ridiculing them. When children feel shame and doubt they believe that they are not capable of making valid decisions or doing everyday tasks. This will impede positive self-esteem and they will begin to regard themselves as stupid (Ratner, 2002).

The third stage, initiative versus guilt, extends from ages three to six years. When children develop initiative they continue to develop their self-concept and gain a desire to try and to learn new things while being responsible for their actions. If caregivers continue to give them a safe space in which to experiment and appropriate stimuli to learn, they will continue to find their purpose. However, if adults and/or parents try to create too many strict boundaries around what they can do, and to force too much responsibility on them, they will feel extreme guilt for their inability to complete tasks (Ratner, 2002).



### 3.5.4 Lawrence Kohlberg

Kohlberg delineated three stages of moral development in a process through which people learn to discriminate right from wrong and to develop increasingly sophisticated appreciations of morality. He believed that the stages were cumulative, each built on understanding and abilities gained in prior stages. Moral development was a lifelong task, and many people fail to develop the more advanced stages of moral understanding (Addison, 1992). Kohlberg's first level, *pre-conventional*, described children whose understanding of morality was essentially only driven by consequences. To a pre-conventional mind, 'might makes right', and the child worries about what is right or wrong so as not to get into trouble. The second stage, *conventional*, describes people who act in moral ways because they believe that following the rules is the best way to promote good personal relationships and a healthy community. A person believes it is wrong to steal not just to avoid punishment but also to prevent friends or family from being harmed. The final level, *post-conventional*, describes people whose view of morality transcends what the rules or laws state. Instead of just following rules without question, they base what is moral on a set of values or beliefs they think are right all the time (Addison, 1992).

### 3.5.5 Vygotsky's socio-cultural theory

Vygotsky believed that learning came first, and caused development. He theorised that learning is a social process in which teachers, adults and children form supportive scaffolding on which a child can gradually master new skills. Vygotsky's socio-cultural theory focuses on how culture, that is the values, beliefs, customs, and skills of a social group, is transmitted (Crain, 2000). According to Vygotsky (1998), social interaction between learners and more knowledgeable members of society is necessary to acquire the ways of thinking and behaving that make up a community's culture. As mentors help mentees to master culturally meaningful activities so the communication between them becomes part of the alternative certification candidate's thinking. Once candidates internalise the essential features of these dialogues they can use the language within them to guide their own actions and accomplish skills on their own (Vygotsky, 1998).

Bronfenbrenner's socioecological systems theory stresses that mentor-mentee interaction is a two-way process, affected by a range of environmental influences, from immediate settings to broad cultural values and programmes. Vygotsky's sociocultural theory takes a closer look at

social relationships that foster development. Through cooperative dialogues with mature members of the field, candidates acquire unique, culturally adaptive competencies (Vygotsky, 1998). Vygotsky strongly believed that human psychology is a cultural phenomenon, originating in cultural processes, embodying and perpetuating them. He wrote of "the central and leading function of cultural development" in psychological growth (1998:169), and specifically, related the content of thinking to one's position in societal production (1998:43). He contrasted his cultural-cognitive psychological approach to other approaches to explaining psychological development in terms of sexual maturation or emotional change (1998:31).

Vygotsky denies any natural, pre-cultural form and content to psychological phenomena, arguing that all aspects of psychological functioning are cultural: "... the form and content of thinking are two factors in a single whole process, two factors internally linked to each other by an essential, not accidental, bond" (1998:38). He also wrote that:

*deep, scientific studies show that in the process of cultural development of behaviour, not only the content of thinking changes, but also its forms, new mechanisms, new functions, new operations, and new methods of activity arise that were not known at earlier stages of historical development (1998:34).*

Insisting that human psychology is fundamentally cultural, in both its form and content, and denying that these are natural, pre-cultural aspects to psychology, Vygotsky can be said to be one of the founders of a truly cultural psychology. If the structures of higher mental functions are "a transfer into the personality of an inward relation of social order" (1998:169) then the social order must be comprehensively understood in order to understand psychology. One must be well versed in the history, sociology, and politics of a culture in order to explain and describe a people's psychology (Ratner, 2002).

A child's experience with others comprises her or his individual social experience, which filters or mediates experience with broad cultural factors such as school, films, advertising, and politics. Thus, two children who encounter the same film, advertisement, or teacher may react differently because of their different individual social experiences. The individual's interaction with society is between broad cultural factors and accumulated particularised experience with society, that is, individual social experience. Rather than personality being partly determined by biological mechanisms, and partly determined by social experience, it is by nature social (Vygotsky, 1998:170).

Every individual's unique social experience is implanted in broadly shared cultural elements. For instance, while every child in conflict with the law has a unique set of parents, the interaction between children and parents manifests many similarities. Common experiences are necessary for organised, stable action and communication to occur. Although a culture pre-exists the new-born, is external and structures subsequent life, this does not mean that psychological development is a mechanical process of receiving inputs passively. Children actively strive, concentrate, learn, remember, work out patterns, differentiate essential from non-essential issues, and identify with cultural events and figures (Bandura, 1986). Vygotsky prized children's activities and insisted that teachers should encourage independent activity in order to enhance learning. Vygotsky despised autocratic pedagogy and rote learning of boring material (Vygotsky, 1926, 1997), but also believed that teachers should direct children's education, to ensure that they learned similar things, including important information about their social and natural world. Vygotsky was not suggesting that children's activities should be highly personal, individualised or only spontaneous. His theories of development are powerful tools for understanding human psychology, specifically that of children in conflict with the law against their surrounding milieu (Vygotsky, 1997).

### **3.5.6 Comparison of Bronfenbrenner's ecological model and Vygotsky's theory**

Vygotsky's theories of child development have been supported by several contemporary researchers (Ratner, 1991). In particular, Bronfenbrenner has formulated an explanation for individual psychological differences that is consistent with Vygotsky's law of sociogenesis of psychological phenomena. This explains how biologically determined temperament relates to a child's particular social experiences. Instead of temperaments directly determining personality, they are personal qualities that invite or discourage reactions from the environment of a kind that can disrupt or foster processes of psychological growth. Examples include a fussy vs. a happy baby; attractive vs. unattractive physical appearance; or social responsiveness vs. withdrawal. Gender, race, and birth order are other such qualities. The effect of such characteristics on the person's development depends in significant degree on the corresponding patterns of response that they evoke from the person's environment (Bronfenbrenner, 1989:218-225).

The social treatment of natural characteristics organises the child's personality and even affects the individual's initiative and creativity:

*It is true that individuals often can and do modify, select, reconstruct, and even create their environments. But this capacity emerges only to the extent that the person has been enabled to engage in self-directed action as a joint function not only of his biological endowment but also of the environment in which he or she developed (Bronfenbrenner, 1989:223-224).*

Bronfenbrenner explicitly rejects the idea that individuals are the primary shapers of their own development, with the environment playing only a secondary role, arguing the reverse is more the case.

Cross-cultural research demonstrates how personality attributes are socially structured and as Chen, Rubin, Cen, Hastings, Chen and Stewart (1998) found, shyness-inhibition can arise from social experience and be shaped by social experience to result in quite variable personalities. Shy-inhibited children are treated differently and develop corresponding psychological differences. Furthermore, children are likely to become shy, reserved and sensitive because they have been rejected by significant others. Inhibited children are then likely to be rejected or isolated by peers. Regarded as incompetent and lacking in social assertiveness, these children experience difficulties in social adjustment and become withdrawn in the company of peers. They also experience scholastic difficulties and become lonely and depressed. Shyness-inhibition is the outcome of positive experiences with significant others who encourage it, not from negative experiences. Shy-inhibited children, in China specifically, are more accepted by their caretakers and peers than their average counterparts. They are considered more honourable, mature, competent, well-behaved, and understanding, and receive higher scores on leadership than do average children (Chen et al., 1998).

Thus, personality attributes take quite different forms and have different social and psychological consequences depending upon how a culture treats them. Shyness that is fostered and valued, and imbued with competence, popularity, maturity, and decisive leadership is qualitatively different from shyness that stems from rejection, disappointment, embarrassment, unresponsiveness, insensitivity and punishment, and is imbued with low confidence, dependence, immaturity, fear, withdrawal, and isolation (Chen et al., 1998).

### **3.6 ECOLOGICAL THEORY AND ITS IMPLICATIONS FOR EDUCATION**

Questions arise as to whether it is possible for educational authorities to make up for the deficits when it knows of the collapse occurring within the lives of children in conflict with the law, and, knowing about the breakdown occurring within children's homes is it possible for the educational system to make up for these deficiencies? It is necessary for schools and teachers to provide stable, long-term relationships, yet as Bronfenbrenner would argue, the primary relationship needs to be with someone who can provide a sense of caring that is meant to last a lifetime. This relationship must be looked after by a person within the immediate sphere of the child's influence (Addison, 1992).

School and teachers play an important secondary role but cannot provide the complexity of interaction that adults can. For the educational community to attempt a primary role is to help society continue its denial of the real issue. The problems faced by children in conflict with the law and by their families are sometimes caused by disagreements between the workplace and family life, not between families and schools. Schools and teachers should work to support the primary relationship and to create an environment that welcomes and nurtures families. Fulfilling Bronfenbrenner's ideal of the creation of public policy would ease the work/family conflict (Henderson, 1995), and it is in the best interest of society to lobby for political and economic policies that support the importance of parent's roles in their children's development. Bronfenbrenner would argue for fostering societal attitudes that value work done on behalf of children at all levels, namely parents, teachers, extended family, mentors, work supervisors and legislators.

The relationships a child develops in schools become critical to his or her positive development. Because of the amount of time children spend in school, the relationships fostered there carry real weight. Also, children may for the first time be developing relationships with adults outside their immediate family. Bronfenbrenner saw the instability and unpredictability of modern family life as the most destructive force in a child's development (Addison, 1992), and thought that might spill over into the school setting. Some children do not have the constant mutual interaction with important adults that is necessary for development. The ecological theory indicates that when the relationships in the immediate family break down the child will not have the tools to explore other parts of his or her mesosystem. In addition, children look for affirmation that should be present in the parent or other important adult; otherwise they look for attention in inappropriate places. These deficiencies manifest especially

in schools as anti-social behaviour, lack of self-discipline, and inability to provide self-direction (Addison, 1992).

This theory has implications for the practice of teaching and it is necessary for schools and teachers to provide support for stable, long-term relationships between learners and parents, and also between learners and mentors, and learners and teachers. Schools and teachers should work to support the primary relationship and to create an environment that welcomes and nurtures families, while working to realise Bronfenbrenner's ideal of the creation of public policy that eases the work/family conflict (Henderson, 1995). The involvement of the structures in a child's mesosystem is meant to provide the adult relationships required for positive development. The bio-ecological systems theory holds that these bi-directional relationships are the foundation for a child's cognitive and emotional growth. Structures of the exosystem, such as community, society, and culture, provide the support for these relationships, notably the values, material resources, and context within which these relationships operate. Increasingly, however, there has been a breakdown in the structures of a child's mesosystem.

Increasing number of hours worked outside the home by both mothers and fathers means that they have less time to spend being involved in their child's development. With this breakdown occurring on the mesosystem level, the structures of Bronfenbrenner's exosystem must be called upon to reinforce or provide primary relationships. Communities provide parents with access to people with similar concerns that can function as resources and emotional support. Communities also provide child care, parent employment, and programmes designed to encourage interaction among families. Partnerships between community agencies and business and industry will provide invaluable resources for families. Research by Lewis and Morris (1998) provided a list of five basic needs for positive development in children: (1) a personal relationship with a caring adult; (2) a safe place to live; (3) a healthy start toward their future; (4) a marketable skill to use after graduation from high school; and (5) an opportunity to contribute to their community. Partnerships within the community can help provide for these needs (Henderson, 1995).

Much like the other structures of the exosystem, a child's society is responsible for providing resources that enable structures of the child's mesosystem to flourish, thus aiding in his or her positive development. Societal values, legislation, and financial resources provided by or society also create the context in which families function. For example, the length of a typical employees' work day is governed largely by societal custom whilst laws governing the rights of

families and the treatment of children are created from societal family values. Perhaps the greatest contribution to family welfare made by society, however, is the financial safety net provided by government entitlement programmes. Bronfenbrenner provides an interesting explanation of breakdowns that have occurred at the societal level that have been attributed to problems within mesosystem relationships. As technology has changed society, and efforts are being made to safeguard the physical environment from the damage done by it, fewer resources have gone to provide similar safeguards against the damage done to the societal environment (Henderson, 1995).

The economy conforms less to an industrial model and more to a technological model, yet the patterns of the workplace have continued to rely on the factory work ethic. Parents are expected to work a schedule that revolves around that the factory clock, though they may work in a high-tech office. The technology that enables workers to be free of manual labour should also free them from the time and place boundary. However, the work ethic demands more face time, not less. As women entered the workforce they are subject to the same demands. Family life has become secondary to the needs of the workplace (Henderson, 1995).

Ecological systems theory “has tremendous applied significance, since it suggests that interventions at any level of the environment can enhance development” (Berk 1997:26). While Bronfenbrenner himself (Bronfenbrenner 1989; Bronfenbrenner & Neville 1994) suggests that changes at the macrosystem level are especially important if there are to be far-reaching impacts on children’s well-being, changes at the microsystem level will also have value. In each of the microsystem elements discussed, namely home, school and community, the respondents could see many ways in which children could be helped. Frequently this help was seen, by both children and teachers, in terms of social/emotional support, love, caring relationships, someone to talk to and protection from harm. Children also raised the importance of links between microsystem elements in their promotion of home-school links. As Bronfenbrenner suggested the stronger and richer the links between microsystem elements (what he termed the mesosystem) the better the situation for children at the centre of those systems. The differences between children’s and teachers’ talk here is at the level of degree or emphasis (Henderson, 1995; Bronfenbrenner 1979).

Of significance in the differences between the children’s and the teachers’ talk is a theme that the children exclusively articulated, concerning achievement, competence and success. While children definitely see that social or emotional support is important, they also see clearly that

success in school is important in making the difference between 'doing O.K.' and 'not doing O.K.' The achievement theme was not mentioned exclusively in relation to school, but an important role for parents was to help with schoolwork, and clubs could help develop new skills and competencies (Henderson, 1995).

Erikson (1963) drew attention to the importance of achievement and competence in middle childhood, the result in his view of a combination of children's enhanced cognitive, motor and physical skills and societal demands for increased competence. Traditionally, the school has embodied these demands in its structured programme of instruction and skill development, an agenda that has effectively communicated to primary school children that it is their task to learn, achieve, demonstrate competence and succeed in a range of areas. It is not surprising therefore that the children in this study saw 'special help with learning' and special programmes, such as the Learning Assistance Programme, as key factors that could help make the difference between a resilient or non-resilient outcome for children experiencing 'tough lives'. What was disturbing was that the teachers did not (Henderson, 1995).

There is plenty of evidence to suggest that changing social conditions have made teaching much more difficult, complex and demanding work (Reid 1999; Ball 1993). Anecdotal evidence suggests that many teachers find their energies concentrated on maintaining order and discipline in classrooms at the expense of teaching. Others believe that some children's social and emotional needs are so great that the bulk of their effort must be directed towards this 'welfare work'. If a focus on achievement, competence and skill development has dropped in the list of some schools' priorities, it is all too understandable. However, the work of Rutter (1979) showed clearly that children at risk are more likely to show resilient characteristics if they attend schools that have good academic records *as well as* attentive, caring teachers. The children in this study certainly support this view.

### **3.7 REFLECTION ON BRONFENBRENNER'S ECOLOGICAL SYSTEMS**

Since there is no direct method of observing a person's mind in action it is necessary to observe the behaviour, and many researchers have noted a correlation between environmental elements and behaviour. It is possible to observe the response of an individual to a stimulus and see him or her learn from an incident and the repetition of similar ones, a process known as 'classical conditioning.' This is illustrated by an input which represents the external stimulus, and an output, which is the resulting behaviour. The behaviour is associated with the



environmental event, and when a similar event occurs the response is recalled and replayed. In Bronfenbrenner's socioecological system it is the richness of the environment in the microsystem that is important to the development of the child. The mother-child, father-child, and father-mother pairs (or dyads per Bronfenbrenner), being the basis of the early microsystem, can be seen as most influential at that stage. These two-person systems are bi-directional in nature, with both parties developing together (Bronfenbrenner, 1979).

Much of a child's behaviour is learned in the microsystem, though as the child ages the other, more distant, systems will have increasing influence. Internal systems also have an effect on behaviour. The emotional system and the biology of the child are two internal forces that can have significant influence on behaviour. Any parent can verify that illness modifies (at least temporarily) a child's behaviour. Prolonged illness or a physiological abnormality can be underlying causes for more lasting behavioural issues. Similar behavioural variations can come from emotional causes such as stress, depression, and grief. As the cognitive system develops it can have an offsetting influence compared to emotional and even biological factors. The more mature child will be able to apply social rules and mores to the behavioural influences of emotion and learn to compensate for and even appreciate biological differences as the cognitive system develops (Bronfenbrenner, 1979).

The family is the closest, most intense, most durable, and influential part of the mesosystem. The influences of the family extend to all aspects of the child's development, as language, nutrition, security, health, and beliefs are all developed through the input and behaviour-related feedback within the family. The learners are largely a product of the family of which they are a part and teachers need to be able to deal with a great variety of family systems in understanding their learners. In today's society the family is less frequently the archetypical combination of stay-at-home mother, working father, and sibling children, and single parent families, generation-skipping families, and other non-traditional groupings are more common today than the traditional family.

Another common force that has changed the family landscape is divorce, with children of divorced parents often having a split family life, for example staying at the father's for the weekend. Divorce is an example of the type of interaction between systems that Bronfenbrenner writes about, and can have a profound effect on the family and the development of the child. However, it is often a product of society, decided by a judge and enforced by social services. In turn, the divorced family affects the community and society and

because by the proliferation of divorce social attitudes change and the social perception of family is modified. The school is also affected by the changes, giving rise to questions of where the report card should be sent and who will attend parent-teacher conferences. A number of other systems, such as community, religion, school, society, and cultural forces from within the mesosystem and the exosystem directly affect the family. Society and the culture of both the family and the neighbourhood have an impact on the child's perception of the family's place in the community. The family can affect the community through its needs for services and its contribution as taxpayers and voters (Bronfenbrenner, 1979).

Also of concern to Bronfenbrenner was the deficit model used to determine the level of support granted by public entitlement programmes to struggling families. Parents must declare themselves lacking in some way in order to qualify for help in solving problems that may come about because of a cultural value of independence. A larger degree of failure means a larger amount of support. By working from this deficit model, families feel helpless but are expected to have the psychological strength to respond to offers of help.

Influences on children are not only socioecological and health-related, but rather economic forces have become much more reactive to international events than they were in the recent past. Changes in employment opportunities as a result of open market competition can have a direct effect on a family when the breadwinner's income is reduced and communities can suffer tremendous economic stress when a local business closes, or relocates to take advantage of lower wage costs in another country. These events can have an impact on school district funding as well as learners' families.

### **3.8 CONCLUSION**

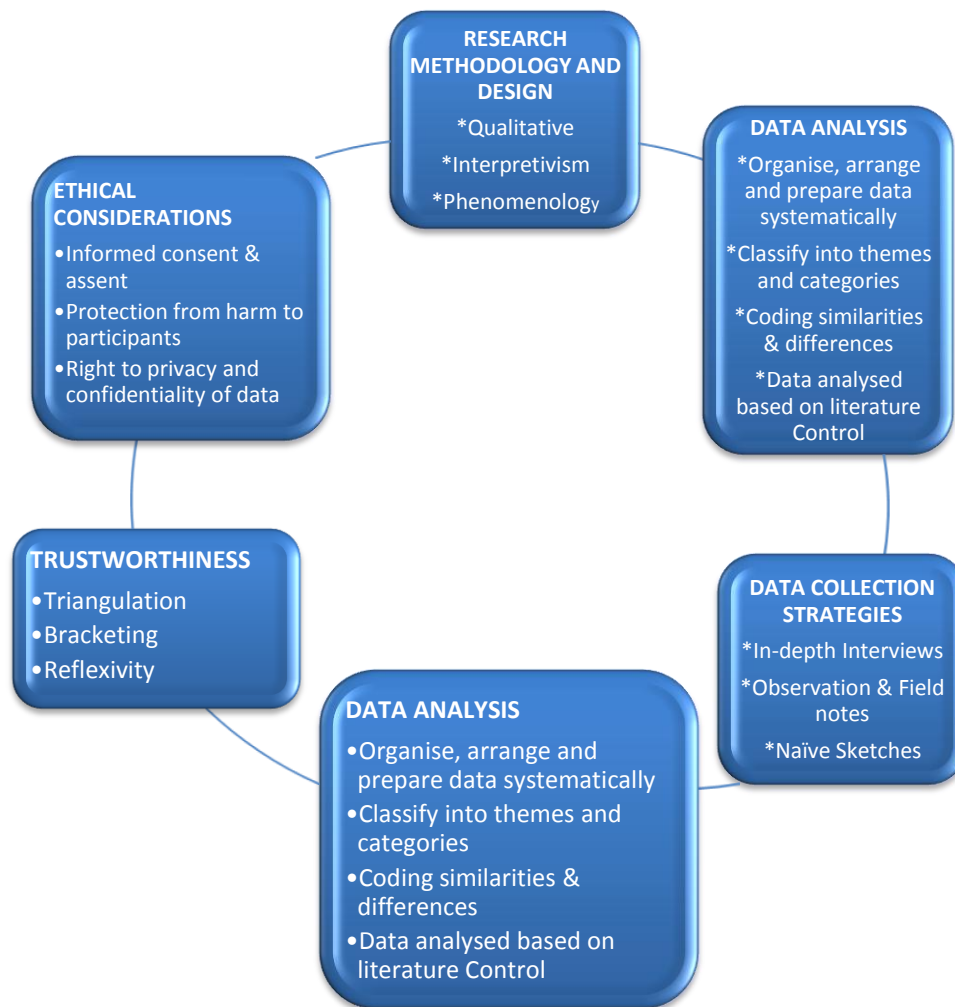
This chapter presented a discussion of the theoretical framework suitable for this study, Bronfenbrenner's socio-ecological model. This model is used here as a useful lens for understanding the lived experiences of children in conflict with the law. The theory looks at a child's development within the background of the system of relationships that make up his or her environment. Bronfenbrenner's theory defines complex layers of environment, each having an outcome on a child's development. The other theories also relate to Bronfenbrenner in that they all have impact on the lives of children in conflict with the law. How the data will be collected and analysed will be discussed in the next chapter.

## CHAPTER 4

### RESEARCH METHODOLOGY

#### 4.1 INTRODUCTION

Having presented the theoretical framework appropriate for this study, informed by Bronfenbrenner's socio-ecological model, this chapter describes the methodology used in conducting the research. The research methods and approaches selected were determined by the purpose of this study, namely understanding and giving support to children in conflict with the law and the relevance and effectiveness of current rehabilitation and reintegration programmes.



**Figure 4.1:** Research methodology outline

## 4.2 QUALITATIVE RESEARCH DESIGN

A research design forms the foundation of a research study and is a strategic framework, initiated from a research problem and research question to describe the implementation of the research (Terre Blanche, Durrheim & Painter, 2006:34). It can be described as a plan that is a detailed research diagram, structure and strategy of investigation (Mouton, 2007:55). This study adopted a qualitative research design, based on the experiences, perceptions and meaning that the children in conflict with the law give to their context (Lester, 2006:1).

Qualitative research attempts to understand rather than to explain human action from the perspective of the insider to the situation (Babbie & Mouton, 2007), and is inductive in that it is data-driven. There is thus a movement from the perspective of the individual or group to possible wider themes (Babbie & Mouton, 2007:49-54). Since qualitative methods are used in understanding and describing the world of human experience, humanity is maintained throughout the research process, though it is not possible to escape the subjective experience, even for the most experienced researchers. As a researcher proceeds his/her humanness informs and often directs him/her through such fine points as intuition. This research acknowledges that some qualitative studies are not generalisable in the traditional sense, yet have good qualities that set them above that requirement (Babbie & Mouton, 2007).

Phenomenology was founded by the German philosopher Edmund Husserl (1859-1938), who according to Miller and Brewer (2003:227) believed in being “true to the nature of phenomena themselves, free of preconceptions and prior assumptions.” Husserl regarded it as pointless to speculate about the phenomenon and knowledge derived entirely from it (Mennell, 1974). Phenomenology was also identified as an appropriate mode of enquiry for this study, commonly used in a variety of fields, namely, education, psychology, sociology and nursing (Creswell, 2011). Lichtman (2006:27) summarises this tradition by stating that “the purpose of phenomenology is to describe and understand the essence of lived experiences of individuals who have experienced a particular phenomenon,” in the case of this study socio-ecological support for children in conflict with the law and development of relevant and effective socio-ecological strategies that can be incorporated in their rehabilitation and reintegration programmes. Phenomenology holds that any attempt to understand social reality has to be grounded in participants’ experiences of the social reality; Hence the researcher must lay aside any existing understanding of the phenomenon and revisit immediate experiences of it in order that new meanings may emerge (Dowling, 2004). Phenomenological enquiry has been

described as the study of people's "lived experiences and shared meanings, and as the study of others' experiences as they perceive them" (Gray 2009:22). Its methods of enquiry are deemed capable of producing thick descriptions of people's experiences or perspectives within natural settings (Geertz 1973).

While phenomenology is best understood as a philosophy, 'hermeneutics,' a term used interchangeably with phenomenology (Dowling 2004), constitutes a branch of philosophy concerned with the nature of understanding and the interpretation of experience (Draper 1996). Whilst it is the ultimate aim of phenomenology to examine and describe phenomena, as they are consciously experienced, understanding them through language and interpretation is the sphere of influence for hermeneutics (Dowling 2004). The participants in this research, children in conflict with the law, were thus asked to complete naïve sketches, and were observed and interviewed with data obtained from them subsequently analysed and interpreted.

Within the interpretivist paradigm, phenomenology is used by researchers to seek out meanings that particular individuals give to a specific phenomenon within their personal experiences of it. It focuses on the lived experience of the individual and acknowledges that "the meaning of the objective world is its mode of engaging human consciousness" (McMillan, 2004:273). The phenomenology adopted in this study was informed in particular by the work of Giorgi (1985; 2005; 2007), who was influenced by Husserl and Merleau-Ponty (1964)

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#### **4.3 PHILOSOPHICAL PARADIGM**

The philosophical assumptions underlying this study are drawn from the interpretive practice, in which social phenomena are understood in the contexts in which they are constructed and reproduced through activities (Åkerlind, 2005). The epistemological view on interpretivism is that knowledge of reality is gained through social constructions such as language, shared meanings, tools and documents (Giorgi, 1985). The researcher used this to increase the understanding of critical, social and organisational issues related to children in conflict with the law.

Phenomenology was employed as a mode of enquiry and philosophical basis of interpretivism, as it describes real and direct daily experiences (McMillan, 2004:273). Husserl (1970) contends that phenomenology allows the researcher to revisit the world as it is lived and experienced, describing phenomena as they reveal themselves rather than explaining or

reasoning their cause. For Martins and Bicudo (1989) it is a distinct approach to scientific investigation, replacing statistical relationships with individual descriptions and interpretations that result from lived experience. A phenomenon can be defined as a situation or condition experienced in daily life (Giorgi, 1985). Therefore, when using phenomenology as a research method, the researcher starts with the lived experiences of the participants, uncovering their own understandings of their experiences. In this study it allowed the researcher to see the personal meaning children in conflict with the law attach to their experiences and how they create their own personal reality. According to Martins and Bicudo (1989) the aim of phenomenology is to discover the structural framework within which various categories of understanding exist. Such structures should prove useful in understanding other people's experiences and understanding (Åkerlind, 2005).

A paradigm in social research, and especially qualitative research, is needed to develop an understanding of certain real-life problems, and is often dependent on words (Niewenhuis, 2007:47). Griffiths (1998:48) advises that the researcher be clear about his/her own understanding of the meaning attached to the relevant words used in a particular research study. In support of this, Niewenhuis (2007:47) warns that each word is "laden with its own complex set of meanings that are often particular to a specific setting". A paradigm is therefore a set of assumptions about fundamental aspects relating to a particular world-view or phenomenon.

In order to achieve the goal of this research study, the researcher also worked within the interpretive paradigm, considering the experiences of individuals as the main source of interpreting social reality. According to Niewenhuis (2007:47), this allows one to interpret meanings within the social or cultural context of the participants. Developed by philosophers during the last half century it was largely in reaction to the application of positivism to the social sciences and stems from the view that reality is not objective and exterior, but is socially constructed and given meaning by people Ernest (1994:24). The focus is on the way people make sense of the world especially through sharing their experiences with others through the medium of language. With this perspective reality is determined by people rather than by external factors. The aim of the research is to gather facts so as to understand and support children in conflict with the law, and also to explore the different constructions and meanings that children in conflict with the law place upon their experiences with their educators and care-givers, who might have regulatory authority (Cohen, Manion and Morrison, 2005, 22).

Interpretivism is characterised by a concern for an individual and their subjective world of experiences and treats human behaviour as varied and informed by the situation and the context where it takes place (Cohen, Manion & Morrison, 2005, 28). Ernest (1994:24) characterises the interpretive research paradigm as first and foremost concerned with “human understanding, interpretation, inter-subjectivity and lived truth” and the challenge to comprehend human experiences at a holistic level. The benefit of conducting this study within this research paradigm is that it will allow the researcher to understand and make sense of the actions and views of the children in conflict with the law from an individual perspective and to understand that different people can perceive the similar social phenomenon differently. To add, the significance of this paradigm is its ability to reproduce the reality as perceived by individuals’ own experience and interpretation (Ernest, 1994:24).

The interpretive paradigm allows the researcher to explore and get a deeper understanding of the research participants’ perceptions, experiences and opinions (Nieuwenhuis 2007, 59), and to gain insights through discovering meanings by improving comprehension of the whole. It scrutinises the richness, depth, and complexity of the phenomenon. In line with the theoretical framework of this study, namely, Bronfenbrenner (1979), interpretivism is therefore supported by a conviction that the study of people and the workplaces demand an approach entirely different from that taken in the study of natural sciences. The philosophical underpinning is drawn from a wide scope of intellectual thinking, including phenomenology and symbolic interactionism (Bryman & Bell, 2007:18-21).

Meanwhile, critics argue about the lack of generalisability of interpretivism (Saunders, Lewis & Thornhill, 2007). However, interpretivists argue that generalisability is not of fundamental importance. Although the aim of this study is not to generalise, implicitly it would be useful to be able to envisage future behaviour of children in conflict with the law, on the basis of the findings. Also it is argued that organisations are constantly changing and evolving and so therefore some of the value of generalisation is lost during these changes (Saunders et al, 2007). The core assumption of interpretivism is the comprehensive need to be examined in order to understand phenomena. It is critical of positivism because it seeks to collect and analyse data from parts of a phenomenon and, in so doing, can miss important aspects of a comprehensive understanding of the whole. Interpretivism proposes that there are multiple realities, not single realities of phenomena, and that these realities can differ across time and place (Saunders et al., 2007).

### 4.3.1 Ontological and epistemological assumptions

Hay (2006:84) identifies proportions on which the paradigm of a research study is based, namely, ontological and epistemological assumptions, and methodology. Paradigm choice is essentially a reflection of how the researcher views the world (ontology) and believes that knowledge is created (epistemology) and the nature in which it comes out (methodology).

#### 4.3.1.1 Ontological assumptions

Ontological assumptions are based on the researcher's idea or belief (without any proof) about the nature and characteristics of the reality of a field of study (De Cruz & Jones, 2004:49-50). The ontological assumption of this study is based on the researcher's own experiences as an education specialist dealing with children in conflict with the law. From the researcher's experience in practice it was realised that there is a high probability of their reoffending, and that there is a relationship between reoffending and a lack of pertinent rehabilitation and reintegration programmes (Fisher & Harrison, 2005:147-148; Van der Westhuizen, 2007).

According to Niewenhuis (2007:48), an ontological assumption is derived from the researcher's own understanding, while the assumptions based on empirical findings relate to epistemological assumptions. This interconnectedness implies that ontology refers to knowledge obtained in practice and is based on reality, whereas epistemology provides theoretical and empirical rationalisation for the ontological assumptions (Cherry, 2000:5; De Cruz & Jones, 2004:49-50).

#### 4.3.1.2 Epistemological assumptions

The term epistemology originates from the following Greek terms: *Episteme* (knowledge); *epistasthai*, *epistē* (to understand); and *epi-* and *histasthai* (to place, determine). It is a branch of philosophy that studies the nature of knowledge, its presuppositions and foundations, and its extent and validity. This term therefore refers to the logic behind our assumptions (University Of Metaphysical Sciences, 2009). Epistemological assumptions are focused on how one can explain something based on the design and structure of one's knowledge (Bak, 2004:10; Babbie & Mouton, 2007:4). The researcher's ontological assumption is verified and confirmed by the epistemological assumptions (Fisher & Harrison, 2005:37-52).



The epistemological position of this research falls within the interpretivist paradigm and is underpinned by a constructivist philosophy, as it is primarily interested in exploring and interpreting the experiences of individuals in relation to the topic area of transition planning and support experiences. Interpretivism looks for “culturally derived and historically situated interpretations of the social life-world” (Crotty, 1998: 67). The basic tenet of this interpretivist paradigm is that reality is constructed by the people active in the research process and that researchers should attempt to understand the “complex world of lived experience from the point of view of those who live it” (Scwandt, 1994: 118).

Within the interpretivist paradigm this study adopts a phenomenological philosophy as it is concerned with understanding how people experience and perceive the world around them (Bryman, 2004). Phenomenology insists that one must lay aside one’s prevailing understanding of phenomena and instead revisit immediate experience in order that a new meaning may emerge (Gray, 2009), with newer or fuller meaning. This position rejects the positivist view that all knowledge comes from observable experience and therefore it is solely the traditional scientific method derived from the physical sciences that can reveal facts or reliable knowledge about the world.

Phenomenology was influenced by Wilhelm Dithery’s study of interpretive understanding called hermeneutics (Eichelberger, 1989). Hermeneutics is the study of interpretive understanding or meaning which Bryman (2004: 540) describes as “concerned with the theory and method of the interpretation of human action”. The hermeneutic perspective focuses on the role of an individual’s personal and social context, arguing that social reality is socially constructed and that interpretation of this should be given more standing than explanation or description (Gray, 2009). Perception is thus viewed as an interpretation of this context and reflects an interpretivist ontological position. Interpretivist ontology also tells us that reality is socially constructed and therefore multiple mental constructions can be apprehended, some of which may conflict with each other. Interpretivist/constructionist ontology also accepts that perceptions of reality may change through the process of a study. Constructionists reject any notion of objective reality and tells us that “meaning is constructed not discovered” (Bryman, 2004:18), and that social reality is too complex to be understood simply through observation, and further suggesting that it is the goal of the researcher to understand and interpret these multiple social constructions of meaning and knowledge (Mertens, 1998), in order to achieve deeper levels of knowledge and self-understanding (Gray, 2009).

Both the ontological and the epistemological assumptions that inform this study could be viewed as interpretive explanations, founded as it is on the meaning ascribed to reoffending and rehabilitation and reintegration programmes. The epistemological assumption is also based on a structural explanation, as it explains reoffending and rehabilitation and reintegration programmes as interrelated phenomena.

#### **4.4 METHODOLOGY**

Methodology comprises the rules and procedures of research work and focuses on how accumulating knowledge about the world (Denzin & Lincoln, 2008:185; Babbie & Mouton, 2007:4). Drawing on the abovementioned ontological and epistemological assumptions, the researcher aims to utilise specific social research methodologies in order to create a scientifically acceptable foundation for the findings of this study. The methodology includes a qualitative research approach, research design and an explorative, descriptive, naïve sketches, focus group interviews and observation as methods of qualitative data collection.

The research population can be all possible elements to be included in a research. McMillan and Schumacher (2006:119) define it as a group of elements or cases, whether individuals, objects, or events, that conform to specific criteria and to which the researcher intends to apply the results of the research. In this study the population consisted of children in conflict with the law from three youth correctional facilities in Gauteng. A sample is a small portion of the total set of objects, events or persons that together comprise the subject of study. It can be viewed as a subset of measurements drawn from the population (McMillan & Schumacher 2006:119). In this study, purposive sampling was employed, that is it was based on purpose rather than statistical probability of selection. A total of 30 participants, from three institutions, were selected for their ability to provide rich information, based upon the criteria of being in conflict with the law and between the ages of twelve and seventeen (Berg, 1995).

Denscombe (1998:15) explains that purposive sampling is applicable in situations where the researcher already knows something about specific people who are likely to produce most valuable data. In short, purposive sampling is best used with small numbers of individuals or groups which may well be sufficient for understanding human perceptions, problems, needs and contexts, which are the main justification for a qualitative audience research. A sample is a subset of measurements drawn from the population in which a researcher is interested. It should be representative of the population of the study and the sampling frame consists of the

population from which the sample is drawn (Strydom & Venter, in De Vos, Strydom, Fouché, and Delport, 2005, 2002:199; Welman, Kruger, & Mitchell, 2005: 55). The sampling frame's function is to inform inferences gleaned from research data. The sampling frame defines the represented population as well as excluded population groups (Neuman, 2003). Cherry (2000: 54) writes that a major difference between quantitative and qualitative research is the sample size, whilst Dick (2000) advises that a qualitative researcher add to the sampling until the information being gathered becomes repetitive. As this was qualitative research that aimed gathering detailed narratives from participants, the sample size may be limited but may produce rich data due to intensive engagement between researcher and participants (Strydom & Delport, in De Vos et al., 2002:335).

Purposive sampling was employed in this phenomenological qualitative research study to provide the researcher with a sample from whom to access the experiences of children in conflict with the law. (Alston & Bowles, 2003:90; Bless et al., 2006:121). Leedy and Ormrod (2005:206) propose this sampling technique as suitable for qualitative research, but Welman et al. (2005:69) question the level of representation from the population. In order to combat this limitation, Leedy and Ormrod (2004:206) advise that a researcher be clear about the reason the sample is viewed as relevant to the research problem and research question. Purposeful sampling seeks information-rich cases for in depth study (Patton, 1990). "Purposive samples are used to ensure certain types of individuals or persons displaying certain attributes are included in the study" (Berg, 2001, 32). Gordon (1992), Clayton (1997), and Creswell (2009) addressed the issue of the appropriate number of participants in qualitative research with a range of 10 to 20 participants expected to provide thematic saturation. Creswell (2009:183) wrote, "The idea behind qualitative research is to purposefully select participants that will best help the researcher to understand the research question".

The use of small samples, however, is typical of qualitative research (Lincoln, 1981; Henning, Van Rensburg & Smit, 2004). Qualitative inquiry is suited to smaller samples and allows for more rigorous accounts in its attempt to widen our understanding on a particular phenomenon (Elliott, Fischer & Rennie, 1999). This approach emphasises depth of understanding instead of breadth of data. Detailed research on a small sample potentially offers valuable insight into the ways in which individuals perceive the meaning of their experiences (Mattingly & Garro, 2000; Neumann, 2006). Oakley (1993) cautions that although repeated interviewing may allow the researcher to collect more information in greater depth, partly due to interactive researcher

responsiveness, the quality of information obtained will depend on the nature of the interviewee and interviewer relationship.

## **4.5 DATA COLLECTION STRATEGIES**

This section describes the data collection strategies and methods employed in the study.

### **4.5.1 Interviewing children in conflict with the law**

Increasingly, there are calls for including children's perspectives as relevant to and insightful in learning more about aspects of their worlds. This is especially true in education where often those most affected by educational policy and rehabilitation programme decisions are absent from investigation. There are special considerations, however, when the qualitative researcher proposes a study that involves children. Age concerns are of the utmost importance and interviewing children for, example, is different from interviewing adolescents. Young children are often active and adolescents are frequently very self-conscious. In addition, it is very imperative to involve psychologists and social workers as observers and for provision of professional advice when needed (Patton, 2002: 341–347).

### **4.5.2 Focus group**

The focus group interviews in this study are shaped by phenomenology to determine what it is to be in the 'lived world' (Wertz, 2005:169) of a correctional institution. A focus group is "a small group discussion focused on a particular topic and facilitated by a researcher," the value as a social scientific research method being characterised by the opportunity "for exploring the attitudes, opinions, meanings and definitions" (Tonkiss, 2004:194, 206), and "to gain insight and understanding by hearing from representatives from the target population" (Cronin, 2008:234), in this instance, children in conflict with the law. The focus group method had not been used in sociological research methods for a long-time, however, since the 1990s it has been gradually reclaimed (Peek & Fothergill, 2009; Jowett & O'Toole, 2006).

Focus groups should consist of between six to ten people (Cronin, 2008: 235). Peek and Fothergill (2009), who have wide experience of using the method, contend that "groups that included between 3-5 participants ran more smoothly than the larger group interviews and managing the larger focus groups, from anywhere from 6- 15 participants is difficult (Fothergill,

2009:37-8). Cronin (2008) concurs that managing groups of more than ten is difficult and in such focus groups, data lacks both depth and substance. In larger groups participants might rely on others to do the talking, a phenomenon termed 'social floating' (Cronin, 2008:235).

Focus group interviews were conducted and gave participants an opportunity share first hand and relevant views on the research topic (Lauer (2006). During the interview, free flow of dialogue and participation was encouraged in order to gain maximum information from the children in conflict with the law. Small groups increase the comfort levels of participants and focus group interviews are useful for revealing beliefs, attitudes, experiences and feelings of participants. In addition, they provide insights into multiple and different views as well as valuable information on the dynamics inside the group (Creswell, 2009). Less intimidating or threatening than speaking to a researcher in a one-to-one interview setting they are particularly appropriate when researching children and young people, as they may be more relaxed and willing to share perceptions when discussions are held with a group of peers. However, it has also been noted that focus groups suit some research studies more than others. Where the subject of the interview might be perceived as a sensitive topic, participants may be cautious of disclosing personal information about themselves, particularly when they are known to each other. Moreover, in focus groups some participants may be more vocal than others, who may be intimidated in a group setting (Nieuwenhuis, 2007).

Conducting focus groups involves the development of an interview guide, identifying a meeting place, and facilitating participation of the group members. Facilitation is important to encourage group interaction. Focus group participants should be encouraged to talk to one another, asking questions, exchanging stories and commenting on each other's points of view and experiences. As in other forms of qualitative data collection, ideally the data analysis begins during the focus group session, as issues emerge in the context of group discussions. For this reason it is advisable to have more than one researcher present to assist with group management (Creswell, 2009).

Furthermore, focus groups are also a qualitative data collection method effective in helping researchers learn the social norms of a particular community, as well as the range of perspectives that exist within that community. Focus groups are often used to determine what service or product a particular population wants or would like to have. Because they seek to shed light on group opinion the method is especially well-suited for social-behavioural research

that will be used to develop and measure services that meet the needs of children in conflict with the law (Nieuwenhuis, 2007).

#### **4.5.3 Naïve sketches**

Naive sketches were used as a method of data gathering, with the participants requested to write down their experiences in an open and honest mode. Those used in this study were semi-structured, open-ended questionnaires (Fouché, 1998:152 - 153&160). Ideally, they can be anything from one to four pages of short descriptions on experiences, views and interpretations in the form of written texts and sketches (Giorgi, 1985:1, 8), and serve to reflect in written format participants' experiences with regard to education, rehabilitation and reintegration programmes effectiveness (Fouché, 1998:156). The researcher gave a voice to children and as such enforced the richness and quality of the study, as recommended by Lincoln (2001:115): "the extent to which alternative voices are heard is a criterion by which we can judge the openness, engagement, and problematic nature of any text". Furthermore, the naïve sketches were used as a data collection tool for triangulation purposes. Naïve sketches are more feasible in terms of costs, time and manpower than focus groups.

#### **4.5.4 Observation**

Observation is a fundamental and highly important method in all qualitative research that entails the systematic noting and recording of events, types of behaviour and artefacts throughout a particular piece of research. It is used to discover complex interactions in natural social settings. Even in studies using individual interviews, observation plays an important role as the researcher notes the interviewee's body language and affect in addition to his or her words. It is, however, a method that requires a great deal of the researcher. Discomfort, uncomfortable ethical dilemmas and even danger, the difficulty of managing a relatively modest role, and the challenge of identifying the wider perspective while finely observing large amounts of fast-moving and complex behaviour are just a few of the challenges (Patton, 2002). Furthermore, the observer does not actively question the respondent, but may be involved in field research, living in another context or culture for a time or taking to photographs that illustrate an aspect of the phenomenon. The data can be recorded as interviews, video, pictures, photographs or drawings (Kelly & Emery, 2002).

Heck (2006) stresses that observation gives the researcher an opportunity to assess how the respondents assign meaning to their social and cultural environments, the aim being to increase understanding of the context in which interaction is taking place (Patton, 2002). Observation gives the researcher an opportunity to zoom in on participants' physical interactions and emotions and so understand more aspects of their personal experiences. During the interviews I also focussed on the emotions of the participants. The data obtained during observation was written up in the form of field notes (Patton, 2002). Everything that was thought to be useful for the study was noted in my observations journal.

#### **4.6 METHOD OF DATA ANALYSIS**

The first step in qualitative data analysis is to organise, arrange and prepare data systematically. This step requires that data be typed and classified into themes and categories (Creswell, 2009:186). Once this step had been completed the researcher could read and re-read in order to gain a thorough overview of the information at hand. During this process the researcher inserted field notes and made use of colour codes by highlighting selected and corresponding aspects in specific colours. The process of coding then follows, defined as the process of organising data into chunks or segments. Similarities, differences and unique findings are identified and categorised in order to develop themes and categories (Creswell, 2009).

Data is segmented, arranged and labelled with a term based on the actual language of the participants, clustered in groups with regard to similar topics and brought together to single out major or more frequent topics as well as subtopics or less frequent or important ones. In this way unique topics can also be detected. The steps taken thus far are valuable in allowing for arrangement of material belonging together to be completed and reviewed to determine whether it would correlate with the research questions. In many studies such categories are referred to as 'codes.' From the results the relevant findings, conclusions and recommendations can be formulated. Data is analysed for material that would address the codes on topics that could be expected, based on literature and common sense (Creswell, 2009).

Consistent with common phenomenological data analysis steps outlined by Creswell (2010:60-62), steps in the analysis process include: (1) bracketing the researcher's own experiences in order to take a fresh approach to the data; (2) becoming generally familiar with the data by

reading the transcripts; (3) identifying significant statements which illustrate the participants' experience of the phenomenon; (4) developing clusters of meaning, or themes, from the statements; (5) writing a textural description of what the participants' experienced and a structural description describing how they experienced it; (6) writing about the essence, with a composite description of the phenomenon based on the common experiences of the participants (Creswell, 2009).

#### **4.7 ETHICAL CONSIDERATIONS**

Permission to conduct the study was obtained from the directorate of Gauteng Correctional Services at district level, as well as from the Ethics committee of UNISA. Ethical considerations were observed throughout with participants informed of all aspects of the research that might influence willingness to participate, namely, the purpose of the study, data collection and the feedback of the results. The written, signed consent from all participants was obtained beforehand and it was made clear that there would be no payment to participate in the study (Frankel & Wallen, 2006:56-57). The wellbeing of research participants was a top priority, as was avoidance of harm (physical, psychological or otherwise), confidentiality and anonymity. The researcher has not and will not identify a given response and the participants were requested not to give their names (McMillan & Schumacher, 2006:142-145).

Smythe and Murray (2000) describe characteristics of the qualitative researcher as an ability to listen attentively and empathically, whilst displaying intuition and self-awareness. Standard ethical principles that govern treatment of human participants served as the basis for the methodological approach in this study (Berg, 1995; Henning, et al., 2004). Smythe and Murray (2000) emphasise the need to pay attention to people's own words about what is important in their lives. Qualitative researchers may also be ethically confusing since qualitative research involves some degree of personal involvement of the researcher in the lives of participants. The researcher engages in constructing meaning based on participants' accounts which may result in contradictions between participants' own interpretations and the interpretive understanding of the researcher (Smythe & Murray, 2000). Ethics are the principles of conduct and behaviour that are considered in social research as imperative (Kumar, 2005:190). Leedy and Ormrod (2005:101) note that ethical implications should be carefully considered when human beings are the focus of investigation. Below are some of the most vital ethical considerations the researcher must uphold when conducting a research study.



#### **4.7.1 Informed consent**

Protecting participants from harm is not limited to obvious potentialities within sensitive domains such as research on victims of physical abuse or even rape (Riessman, 1994), but it allows participants to reveal their identity less defensively. The researcher may therefore accidentally draw out deeper emotional issues with vulnerable participants (Lieblich, Tuval-Mashiach & Zilber, 1998). In considering deception and debriefing, Smythe and Murray (2002) state that qualitative researchers must be explicit about their purposes for conducting research from the outset. Prior to data collection, an introductory meeting allowed the researcher to provide an information letter and inform each participant of the purpose and aims of the study. Gaining the trust and support of research participants is critical to phenomenological research (Marshall & Rossman, 1995; Walker, 2007). Following this, informed consent for participation, interview and tape recording of interviews was obtained from each participant prior to data collection. All participants informed of their right to withdraw from the process at any time. Confidentiality of transcribed data and taped recordings was ensured and access to it was limited to the researcher and research supervisor.

The participants received all relevant information about the aim of the research, the procedures to be followed, the advantages and possible disadvantages and risks of participation, the credibility and role of the researcher, an assurance of self-determination, the availability of support after the data had been collected, and the opportunity to ask questions (Louw & Edwards, 1998:50). The key purposes of the informed consent letter were to introduce the research effort, provide contact information, articulate the intent of the study, request voluntary participation by the recipients, and identify the anticipated information that participants were expected to provide (Cherry, 2000:67).

#### **4.7.2 Informed assent for children in conflict with the law**

It is now recognised that children, as social role-players, are competent witnesses to speak for themselves about their experiences of, and perspectives on, the social worlds in which they live (James, Jenks & Prout, 1998). Consulting with children in conflict with the law directly is vital to gain an understanding of their experiences and it is important for their involvement in research to be appropriate and ethically sound. They should be guaranteed a clear explanation of the purpose of the research and a clear choice about whether they want to be involved, based on a full knowledge and understanding of what is involved (Bray, 2007:447). Informed

assent is a term used to express willingness to participate in research by persons who are by definition too young to give informed consent but who are old enough to understand the proposed research in general, its expected risks and possible benefits, and the activities expected of them as subjects. Assent by itself is not sufficient, however. If assent is given, informed consent must still be obtained from the subject's parents/guardian or designated correctional official(s). South African laws define who constitutes a child, and such definitions dictate whether or not a person can legally consent to participate in a piece of research (Miller & Nelson, 2006).

Specific to the correctional facilities, in order for children in conflict with the law to give assent to participate in research they must understand the voluntary nature of their participation, including the freedom to withdraw at any time (Hurley & Underwood, 2002), that they are under no undue pressure to comply and that they understand the benefits and risks of their participation. A child's assent constitutes an affirmative agreement to participate in research. A simple failure to object should not be construed as assent and the researcher must respect any subtle signs of disagreement. Giving assent should involve the children knowing that activities will be performed, that they choose freely to undergo the procedures, that they can freely speak this choice explicitly and also be aware of the alternative to pull out at any time (Diekema, 2006).

#### **4.7.3 Protection from harm to participants**

Leedy and Ormrod (2005:101) suggest that the physical and emotional risks involved in a study should be no greater than risks of day-to-day living. The participants should be assured that their safety is valued by the researcher. In order to explore the experiences of children in conflict with the law, the researcher ensured that the naïve sketches formed part of their day-to-day programme at the correctional facility, to prevent physical and emotional disruption. In addition, arrangements were made to refer the participants to their therapists for debriefing, if needed, after completion of naïve sketches (Welman et al., 2005:201).

#### **4.7.4 Right to privacy and confidentiality of data**

The informed consent letter declared that the participants' background information would remain confidential and would not be released without prior expressed personal approval.

Restricted access on a need-to-know basis protects and secures participant information and maintains confidentiality and anonymity. It ensures that all responses are secure from inappropriate disclosure to enhance reliability and validity of provided data. All participants were required to sign and return the letter of consent to the researcher before participating. All responses were secured in a locked repository to be maintained for three years after the conclusion of the research. All research data will be destroyed after three years, with destruction documented and certified by a neutral third party (Creswell, 2009:141, 212).

De Vos et al. (2002:67) describe privacy as “aspects which are not normally accessible for others to observe and analyse”. In order to respect the participants' right to self-determination as to what and whether to share, participants were not forced to share their experiences and were informed that they could refuse to complete the naïve sketches or revoke their participation at any time. In addition, Louw and Edwards (1998:51) urge that confidentiality include the storage of data in a safe place, and participants to be informed that only the researcher, translator (if needed), editor, independent coder and the researcher's promoters would have access to the tape-recordings and transcripts.

#### **4.8 TRUSTWORTHINESS**

Trustworthiness in qualitative studies is based on determining whether the findings are accurate (Creswell 2009:191). The use of rich and thick description helps situate the readers in the setting and gives the discussion an element of shared experience (Creswell, 2009:191). Creswell (2009:191), De Vos (2005:346) and Polit & Beck (2009:539) explain that for the research findings to be credible, detailed description of the setting, all the components of the population and all the steps taken should be provided. In this study, the researcher provides a detailed description of the setting and all components of the population in this study. The steps taken will also be discussed.

Qualitative research may use a combination of documentary analysis, observation and in-depth interviews, to follow angles of the same research or to corroborate an account with other sources of data. The use of several data sources and different methods is called ‘triangulation’ (Creswell, 2007:126). The more agreement on different data sources on a particular issue the more reliable the interpretation of the data (Patton, 2002:316). Triangulation is, therefore, typically a strategy for improving the validity and reliability of research or evaluation of findings.

Patton (2002: 247) writes that it strengthens a study by combining methods, perhaps both quantitative and qualitative.

Another way of increasing the validity and reliability of research consists of showing the participants extracts of the interpretation of their interviews to corroborate or disapprove. Bashir, Afzal and Azeem (2008) list ways of maximising trustworthiness and credibility as prolonged and persistent field work that allows interim data analysis and corroboration to ensure a match between findings and participants' reality; multi-method strategies in data collection and data analysis; participant verbatim accounts to obtain literal statements of participants and quotations from documents; low-inference descriptors to record precise, almost literal, and detailed descriptions of people and situations; member checking to check informally with participants for accuracy during data collection; and participant reviews to ask participants to review researcher's synthesis of interviews for accuracy of representation.

While within Husserlian phenomenology objects are regarded as real, knowledge of the essential structures of objects is only possible by the bracketing of all assumptions about the existence of an external world (Dowling 2005). It is generally understood that all researchers bring prior knowledge, understanding and preconceived ideas to the research undertaking, and that these may be, without knowing, imposed on the research process and influence interpretation (Crotty 1996). Bracketing enables researchers to bracket off, or set aside, their own understandings in order to see phenomena for what they really are (Dowling 2005). Bracketing thus supposedly protects interpretation from the self-interest of the researcher (Paley 1997). However, the importance of acknowledging researcher preconceptions within the research process is to reach a better understanding between participant and researcher, and produce more authentic outcomes by way of the acknowledged collaboration with data collected (Dowling 2005). In this study, I set aside my own understandings in order to see the children in conflict with the law for what they really were with regard to their rehabilitation and reintegration programmes.

Bracketing and reflexivity are closely linked, and one must be reflexive in order to bracket, with both activities requiring time to reflect, an environment of support, and reflective skill. Before refining the research question a reflexive journal is opened in which are written the issues that will enhance reflexivity and ability to bracket (Dowling 2005). Reflexivity allows the researcher to be more fully open to data and to identify how the lives and interests of participants. The ability to put aside personal feelings and preconceptions is more a function of how reflexive

one is, rather than how objective one is, because it is not possible for researchers to set aside things about which they are not aware (Paterson & Groening, 1996). As Colaizzi (1978) asks, how could the word 'hunger' ever have conveyed any meaning if we did not once ourselves experience it? In the same sense, the children in conflict with the law attach significance to their rehabilitation and reintegration programmes because they have experienced them.

Additionally, reflexivity provides self-awareness, including awareness of how one has participated in developing particular understandings in the research process. One feature is that people are always active interpreters of their worlds and create meaning thereof. Another element is that qualitative researchers must attend to their own meaning making, and be disciplined in an effort to grasp the subject matter as a whole, not breaking it into artificial units. All observable aspects must be understood in relation to one another and to the whole. Consequently, with a new insight or understanding of children in conflict with the law, the researcher returned to see how this development had shifted understanding of other aspects and the overall one of rehabilitation and reintegration programmes. This process continued throughout data analysis and the effort to express findings in ways that imply the relations of aspects to the whole (Dowling, 2005).

#### **4.9 CONCLUSION**

In this chapter the researcher described how the research methodology was applied, with focus on the research paradigm as well as research design. An outline of the methodology was provided with ethical considerations and measure taken to ensure the trustworthiness of the findings. The researcher selected qualitative research as the suitable research approach to answer the research question, which developed from the research problem. This method made it possible to use a flexible approach in an attempt to explore the views and experiences of children in conflict with the law.

Chapters 5 will discuss the findings of this research, based on the data analysis. Themes and sub-themes will be described, and data compared with the relevant literature to determine whether it confirms or refutes it.

## CHAPTER 5

### FINDINGS AND DISCUSSION

**"A child who does not obey, a justice which does not make peace, are like braying donkeys" - Ethiopian proverb**

#### 5.1 INTRODUCTION

Having discussed the research design and methodology, this chapter presents findings and a discussion of the experiences and views of children in conflict with the law with regard to the relevance and effectiveness of the current rehabilitation and reintegration programme. This chapter comprises thematic analysis of five focus groups, observation and naïve sketches derived from all institutions. The children were interviewed, with teachers and support staff observed and engaged with in informal conversations. Data was transcribed, coded and from these eight major themes emerged. Although the three schools presented certain common concerns each had its own unique context and character, thus necessitating consideration of their contexts.

#### 5.2 DESCRIPTION OF PARTICIPANTS

Children, as social role-players, are competent witnesses, able to speak for themselves about their experiences of and perspectives on their social worlds (James, Jenks & Prout, 1998).

**Table 5.1** Description of Participants

School	Type	Learning Areas	Location	Gender	Race / ethnicity	Age-group
<b>A</b>	Registered as a special school	ABET level subjects	Pretoria	Males only	All	15 to 17
<b>B</b>	Registered as a special school - primary school	All Primary school subjects	Johannesburg	Males only	All	10 to 15

<b>C</b>	Registered as a special school - primary school	All Primary school subjects	Randburg	Males and Females	All	10 to 15
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### **School A**

This school is situated on the outskirts of Pretoria, Gauteng. Learners are from various surrounding towns and cities, including neighbouring provinces, with ages ranging from 15 to 17. It caters for children in conflict with the law who are awaiting trial, having been placed there through court order. Their alleged offences range from petty theft to armed robbery, rape and murder and they reside here until they are sentenced, which may be from two weeks to two years. Registered as a special school, it has boarding facilities managed by the Department of Social Development and falls under the patronage of the Department of Education (DoE). It offers various Adult Basic Education and Training (ABET) level subjects. The variety of mother tongues of learners, including Sotho, Xhosa, Zulu or Afrikaans, creates serious challenges because the language of learning and teaching (LoLT) is English, as does the inability of some to read or write. There are no special programmes for children in conflict with the law and teachers have developed their own pastoral care programme that caters for spiritual and psychological needs.

### **School B**

School B is an independent primary school, situated in Johannesburg, Gauteng, catering for learners from surrounding cities, towns and townships through Grades One to Six. With ages ranging from 10 to 15, all have been referred by other schools through the district office of the DoE because of serious behavioural problems. Their alleged misbehaviour ranges from 'back chatting' adults, including teachers; frequent involvement in physical fights; bullying; and petty theft. Learners reside here from six months to two years, depending on whether there is an improvement in their behaviour, or when they have completed Grade Six or reached the age of 15. If their behaviour has improved they are afforded the opportunity to return to their former school or go to another of their choice. The school and its residents' hostel are partly under the authority of the DoE and registered as a special school, and offer the same subjects as offered by mainstream primary schools. There is a school psychologist whose services are available to all learners in the school.

### **School C**

An independent primary school situated in Randburg, this takes learners from surrounding cities, towns and townships, from Grade one to Six and aged 12 to 15, and referred by the DoE because of serious behavioural problems. Their alleged misdemeanours range from 'back chatting' adults, including teachers; persistent involvement in physical fighting; bullying; and petty theft. Learners stay here from six months up to two years, depending on improvement in their behaviour. Some might be mentally challenged. The school and its hostel accommodation fall partially under the jurisdiction of the DoE. It offers subjects that are taught in mainstream primary schools and employs a school psychologist.

All three schools cater for children in conflict with the law and are registered with the DoE as special schools. School A differs from B and C in that it accommodates learners who have committed serious offences and are awaiting trial. School A offers various ABET level subjects while the other two offer subjects taught by mainstream primary schools. In both Schools B and C all the learners have been referred by other schools through the district office of the DoE for serious behavioural problems. School A takes learners through court order. All three schools are encouraged to develop individual education plans (IEPs) for all learners, so that teachers can identify and cater for individual needs.

## **5.3 RESEARCH FINDINGS**

The different themes that emerged from this data were used to gain an understanding of the perception that the children in conflict with the law have regarding rehabilitation and reintegration programmes. The data from the focus-group interviews was first analysed and the relevant themes (Table 5.1, below) identified. Some of the themes that emerged were confirmed by observation and naïve sketches. No noteworthy theme was found other than those that emerged from the focus group interviews.



**Table 5.2:** Themes that emerged from the focus group interviews

Themes	Sub-themes	Codes
Impact of socio-economic contexts	<ul style="list-style-type: none"> <li>• Lack of finance</li> <li>• Poverty</li> </ul>	<ul style="list-style-type: none"> <li>• Poor nutrition</li> <li>• Inability to secure appropriate health care</li> <li>• Dilapidated, crowded housing</li> <li>• Lack of guidance, education, occupation, parental education and family income</li> </ul>
Single parent family influence	<ul style="list-style-type: none"> <li>• Dysfunctional family</li> <li>• Criminality</li> </ul>	<ul style="list-style-type: none"> <li>• Single parent families,</li> <li>• Divorce</li> <li>• Domestic violence</li> <li>• Antisocial behaviour, aggression, and anxiety and school problems</li> </ul>
Lack of guidance and education	<ul style="list-style-type: none"> <li>• Allowing criminal behaviour</li> </ul>	<ul style="list-style-type: none"> <li>• Education occupation and parental education family income</li> <li>• Lack of access to cognitively stimulating materials and experiences</li> <li>• Gang lifestyle</li> </ul>
Place of education for children in conflict with the law	<ul style="list-style-type: none"> <li>• Address the offending behaviour</li> </ul>	<ul style="list-style-type: none"> <li>• Skills and learning</li> <li>• Improving employability</li> <li>• Financially independent</li> </ul>
Educational needs of children in conflict with the law	<ul style="list-style-type: none"> <li>• Individual learning plan (ILP)</li> <li>• The significance of teaching and learning material</li> </ul>	<ul style="list-style-type: none"> <li>• Particular needs, such as problems with reading, mathematics or behavioural problems to evaluate learner responses, record progress and achievement, support standards, sustain improvement, monitor provision and provide data for impact measures.</li> <li>• To successfully integrate basic skills in occupational training</li> </ul>

The prison school setting effect	Limited and fragmented curriculum	<ul style="list-style-type: none"> <li>• Physical violence,</li> <li>• Fraud</li> <li>• Drugs</li> <li>• Gangsterism</li> </ul>
Past harmful incidents made evident by risky behaviour and peer influence	<ul style="list-style-type: none"> <li>• Destructive behaviour</li> <li>• Inability to manage emotional triggers</li> <li>• Lack of insight into own behaviour</li> </ul>	<ul style="list-style-type: none"> <li>• Vandalism</li> <li>• Robbery, Stealing</li> <li>• Rape,</li> <li>• Bullying</li> <li>• Using bad language</li> <li>• Anger and irritability</li> <li>• Powerlessness</li> <li>• Fear</li> <li>• Regret</li> <li>• Sadness</li> <li>• Lonely and helpless</li> <li>• Defence mechanism: blaming, moralising</li> </ul>
Current schooling perceived as positive through the provision of pastoral care	<ul style="list-style-type: none"> <li>• Physical and psychological safety</li> <li>• Structure and routine</li> <li>• Love</li> <li>• Positive reinforcement</li> <li>• Spiritual, educational and moral support</li> <li>• Motivational speakers</li> </ul>	<ul style="list-style-type: none"> <li>• Someone who listens</li> <li>• Role models</li> <li>• Teaches life-skills</li> <li>• Acceptance</li> <li>• Sport</li> </ul>

**Table 5.3:** Key of abbreviations for interpreting findings from the focus group interviews

P:	Participant
P1-6:	Focus Group 1
P7-12:	Focus Group2
P13-18:	Focus Group 3
P19-24:	Focus Group 4
P25-30:	Focus Group 5
For example, P1 will refer to Participant 1	

Naïve sketches were also used as a method of data gathering, where the children in conflict with the law were requested to write down, in an open and honest mode, their experiences, life histories and views on rehabilitation, educational and reintegration programmes. Ideally, naïve sketches can be anything from one to four pages of written texts or sketches (Giorgi, 1985:1,8), and in them participants were all requested to give a background account, whether as text or sketches, with clarification where necessary.

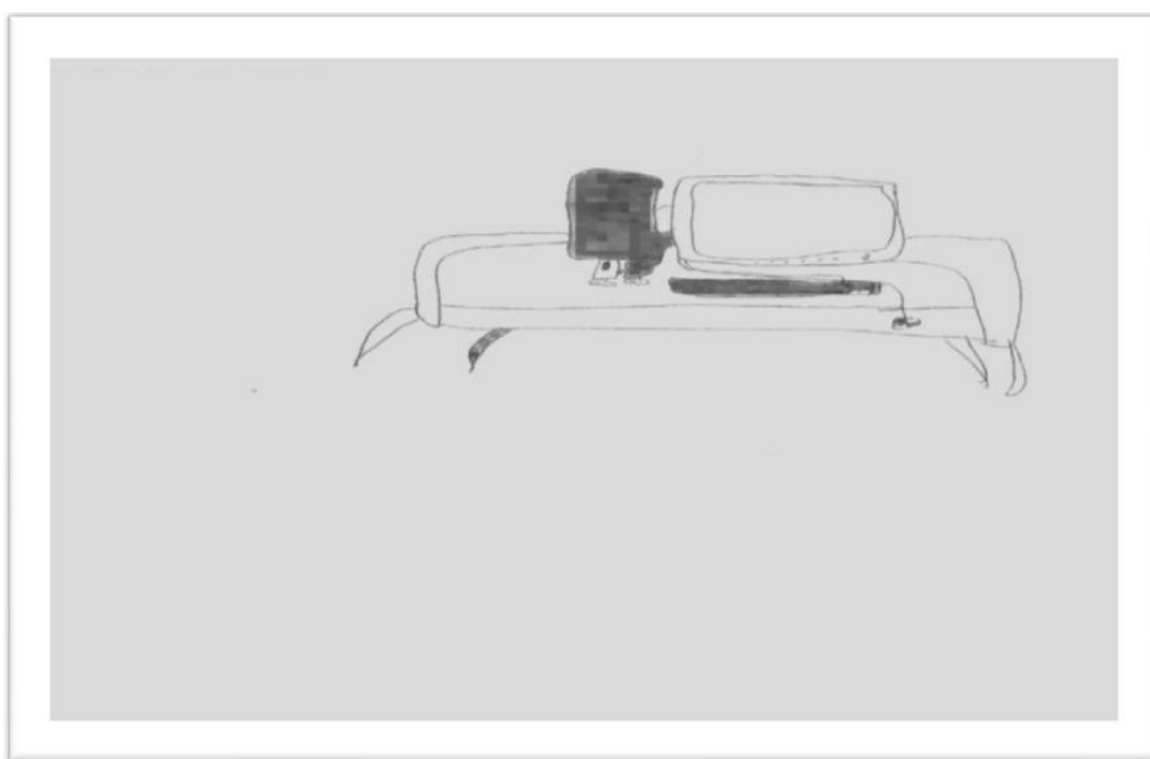
The themes that emerged not only addressed the research questions outlined in Chapter One but also provided information on the children's experiences of prison rehabilitation and education programmes. Their perceptions varied but of particular value in the focus group interviews were that the majority regarded primary skills such as numeracy and literacy as very important. However, fewer indicated all of the skills as imperative. The quality of the occupational programme, was rated more highly than the scholastic programmes, whilst occupational learners reported a need for improved teacher's assistants. The only ones available in these schools were security guards and cleaning support staff who were not appropriately trained. Teachers with a positive approach to lead these programmes may motivate learners and increase their chances of leading a successful life after release.

The themes that emerged from the focus group interviews are discussed in the following sections, and are complemented by the naïve sketches and observations.

### **5.3.1 Impact of socio-economic contexts**

The socio-economic context emerged often in the focus group interviews, in terms of single parent families, lack of guidance, education, occupation, parental education and family income.

It was evident that the negative impact of economic disadvantage derived significantly from the emotions and behaviour of parents, guardians or other carers. More specifically socio-economic context was found to be related to parental involvement, particularly the ability to provide warmth, structure and control. Figure 5.1 (below) is a naïve sketch drawn by one of learners, who indicated that “...since my father’s death, things were never the same.... My mother could not afford to buy me even school shoes and I always wished that my mother could buy me a Play Station like my friends.... I decided to join gangs (Participant 23).The television and video on a stand indicated that these household items were for him luxuries, not necessities, as he wiped tears from his face. His family had only acquired these items only after he joined a gang.

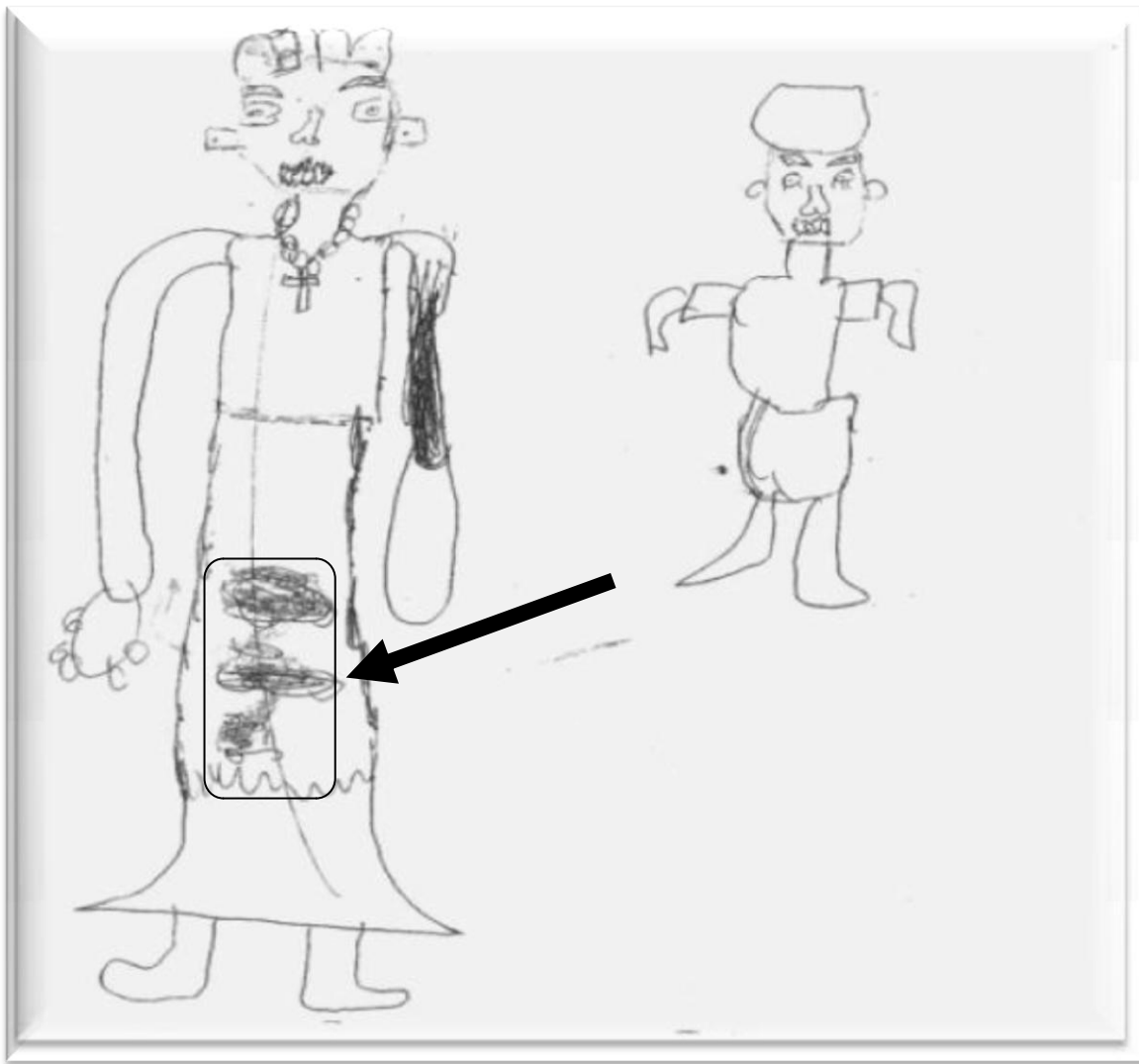


**Figure 5.1:** Naïve sketch of television and video on a stand

Stressors associated with poverty may also have psychological consequences for parents, including low self-esteem, low aspirations and expectations and social isolation, as well as anger and hostility (St Pierre & Layzer 1998). In addition, poverty and lower income are associated with higher levels of marital stress, dissatisfaction and dissolution (Voydanoff 1990; White & Rogers 2008). Largely as the result of the aforementioned stresses and economic strains, lower socio-economic context is associated with higher levels of domestic violence (Bradley & Corwyn 2012).

Children indicated that before being institutionalised they had suffered from living under economic stress, often in undesirable or dangerous neighbourhoods with poorly financed or inadequate educational programmes and services. *“I sold drugs because all I wanted was to take out my mother and little brother out of this poverty...you know you can make quick bucks with drugs? I wanted good education for my younger brother...ummm... education that I did not get”* (Participant 11). This illustrates that quality and quantity of education a child receives is strongly influenced by the level of parental income, which in turn affects that child’s ability to compete effectively in the labour market. The quality of school that a child attends may also determine the likelihood of them associating with poorly behaving peers.

Parents’ occupational status has also been positively related to developmental status in infancy, intelligence, school achievement and social maturity. Poverty and low socio-economic context are thought to provide risks for negative outcomes among children growing up in single-parent households in particular: *“I decided that the only way to survive is...ehhh ...is to join gangs”* (Participant 27). Participant 27, who was 17 years and six months old, drew the naïve sketch below (Figure 5.2). He was awaiting trial for the alleged rape of a 13 year-old girl. He indicated that it is himself on the right and his victim on the left. When I asked him why he dapped the middle part of the victim (as indicated by the arrow) he just shrugged his shoulders. He further pointed out to me that the way he drew his hands is an indication of strength. From the way this participant talked I observed much aggression in almost everything he did. Aggression was evident in his mannerisms, from his drawing of the naïve sketch and the way he talked and moved.



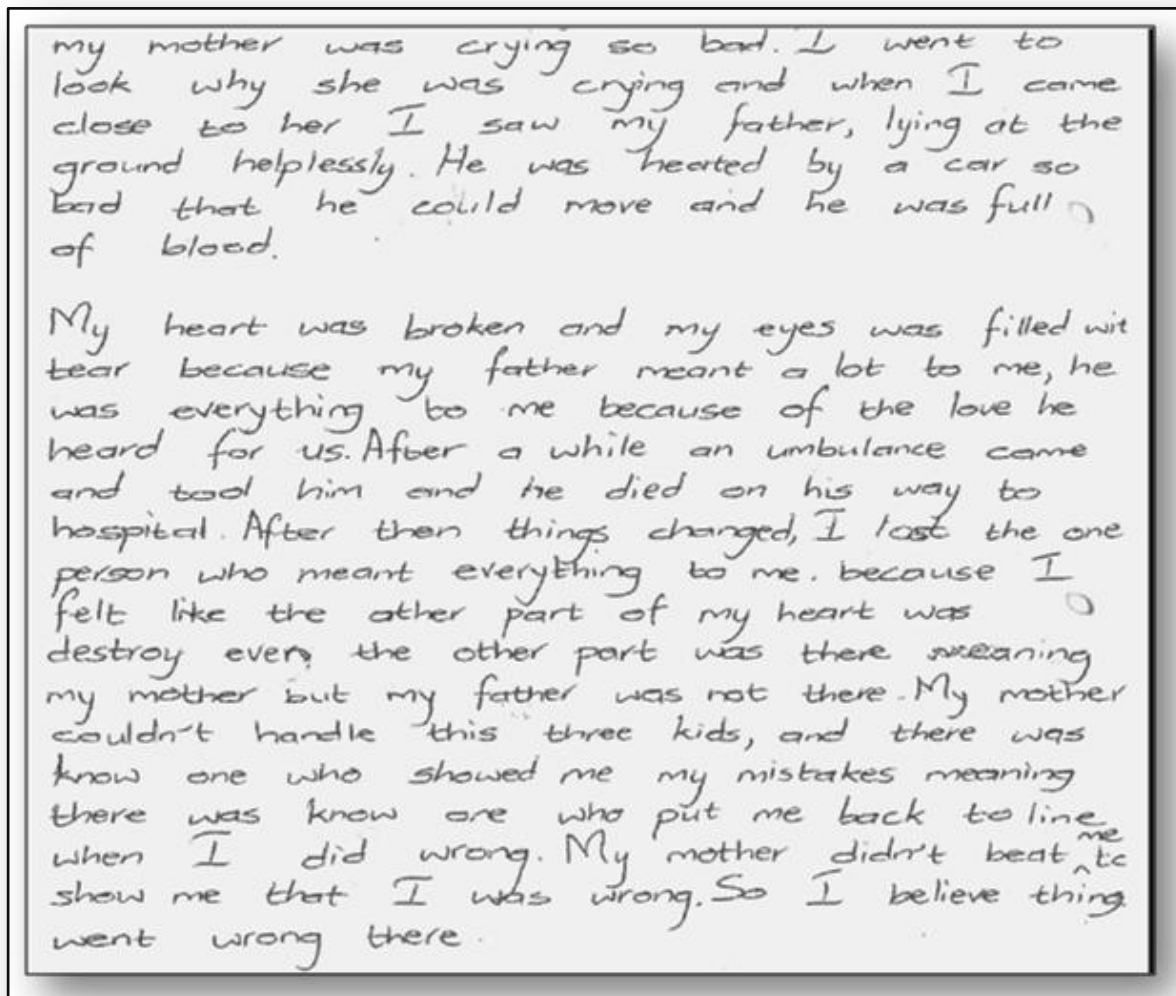
**Figure 5.2: Naïve sketch of sexual assault**

### **5.3.2 Influence of single parent family**

Most of the participants stated that after their parents' divorce they had developed antisocial behaviour, aggression, anxiety and school problems, more so than the children in two parent families. The lack of a male presence seems not to be less critical than the lack of male income in the family. The economic deprivation of single parent family life, in combination with other sources of strain and stress, pointed to a major source of the problems experienced by children in conflict with the law: *"After my father died, I was always involved in fights at school.... I was called at the principal's office several times, until I was sent here. I was told I needed to cool my head off"* (Participant 16).

Participant 16 wrote a two-page life history (extract in Figure 5.3. below). When it was his turn to tell us about his naïve sketch he said that he preferred to read. From the time he started

reading until he finished his eyes were full of tears. He refused to take a break when I though I said he was free to pause if he wished.



my mother was crying so bad. I went to look why she was crying and when I came close to her I saw my father, lying at the ground helplessly. He was heated by a car so bad that he could move and he was full of blood.

My heart was broken and my eyes was filled with tear because my father meant a lot to me, he was everything to me because of the love he heard for us. After a while an ambulance came and took him and he died on his way to hospital. After then things changed, I lost the one person who meant everything to me. because I felt like the other part of my heart was destroy even the other part was there meaning my mother but my father was not there. My mother couldn't handle this three kids, and there was know one who showed me my mistakes meaning there was know one who put me back to line when I did wrong. My mother didn't beat <sup>me</sup> to show me that I was wrong. So I believe thing went wrong there.

Figure 5.3: **Narrative: “After my father died”**

Some of these problems may be attributed to a decrease in available resources and adult supervision. Many of the negative effects disappear when there is adequate supervision, income, and continuity in social networks. In single-parent families, children tend to experience short-and long-term economic and psychological disadvantages; higher absentee rates at school; lower levels of education; and more involvement in delinquent activity, including alcohol and drug addiction. For Participant 14, on the other hand: *“Here is better because I eat three times a day and have new clothes... outside I used to drink and smoke dagga all day.”*

Studies have found an increased probability of criminality among persons with a single-parent family background (Farrington 1995). For instance, the risk of violent offences and reoffending significantly increases among males born into a single-mother family (Sharp 2009), although

such association does not reach statistical significance with non-violent crimes. The highest percentage of drunk drivers was found among males who were born to a single mother, independently of the later marriage status of the mother. Also, among females with single-parent family background a tendency towards increased criminality was seen. At the same time, the findings give support to an earlier claim by Kolvin *et al.* (1988) that some types of deprived families appear to be more harmful than others. In addition to marital instability, economic deprivation, overcrowding and poor mothering were seen as the most important risk factors for later criminality (Felson & Bonkiewicz, 2013). It was shown that a single-parent family background increased the risk of criminality later in life (Murray & Farrington, 2008).

Looking at this from a socio-ecological systems perspective, in the microsystem, family instability, economic deprivation, overcrowding and poor parenting appeared as the most important risk factors for later criminality and sounded critical for the participants. In addition, family background increased the risk of criminality. The participants felt that the single-parent family and lack of a father during childhood constituted the family type as the most likely cause of criminality. When a mother raises a child alone, there is a possibility of a failure in the childhood environment to provide sufficient facilities for its psychological and social development. Further, children from disharmonious broken families appeared more likely to offend or engage in crime because they do not build up internal inhibitions against socially disapproved of behaviour. A family structure that includes two adults is more likely to contribute to positive child outcomes since emotional and practical stresses involved with childrearing can be shared, as expressed by Participants 2, 6, 7, 11, 14, 16 and 23. As one said: *“Ja if both my parents were there... to give me love I needed.”*

Parental control is often reduced in single-parent households, which may afford children greater opportunity to experiment with alcohol and other substances (Wolfinger, 1998), both then and later in life. Another possible explanation for these findings is not that the lack of the father per se affects the child but rather its being a marker of genetic vulnerability. Most of these children indicated that they were being raised by their mothers, and the absent fathers may have passed the antisocial and violent tendencies on to the child.

Participant 13 reported that: *“I cannot tell why I do it.... I tried so many times that I will never be involved in crime again... but now and again I surprise myself.”* He drew a naive sketch (Figure 5.4, below), in the middle of which he attempted to draw a laptop computer. He haughtily pointed out to me that he mainly steals because computers and laptops sell like hotcakes.



Where the arrow is pointing, he wrote the word “cogle” (he wanted to write “Google”). On the left-hand side is the flag of South Africa, on the right-hand side a gun, which he declared he used to frighten his probable victims.

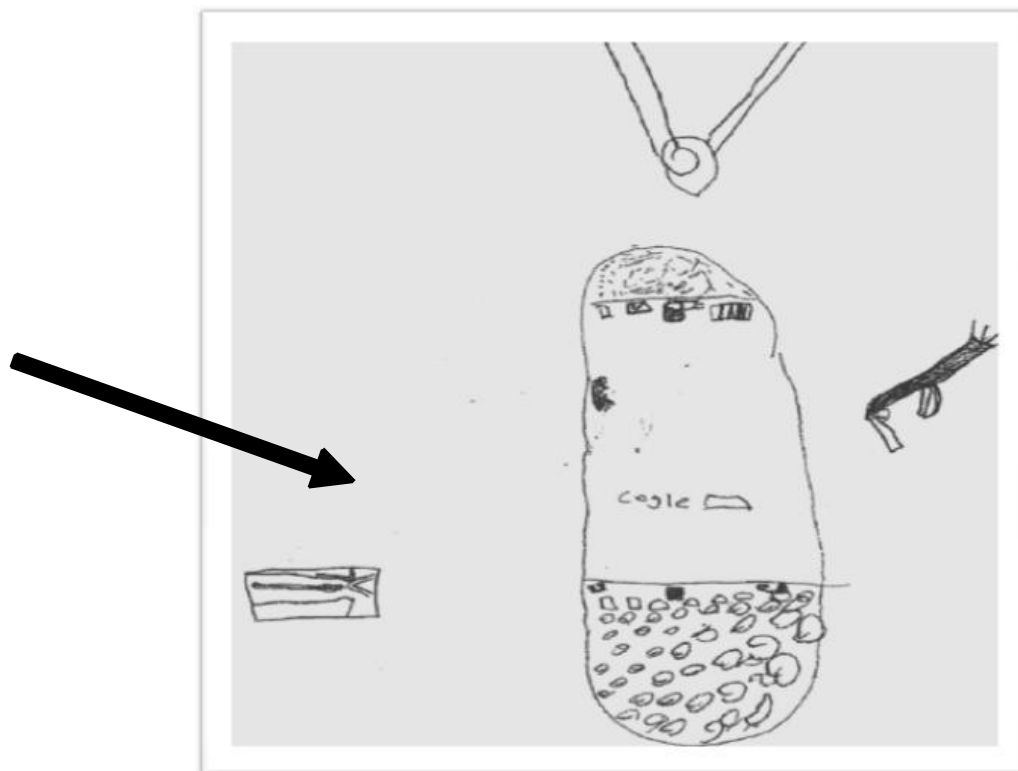


Figure 5.4: Naïve sketch: laptop and firearm

Farrington (1995) concluded that later criminal offending of male offspring was associated with having a convicted father, the genetic transmission of antisocial and the father having served as a role model for criminal behaviour. For Raine and Mednick (1989), perinatal complications in combination with other risk factors, such as adverse childrearing conditions, may cause neurobiological dysfunction which in turn causes impulsivity and predisposes persons to criminality. A prospective follow-up study of children with perinatal complications and psychosocial risk factors, however, suggests that psychosocial risk factors outweigh the influence of perinatal risks in determining children's adjustment at school age. The view of van Der Kolk, Perry and Herman (1991) is that impulsive behaviour might be a hormonally mediated response which is triggered by reminders of childhood traumatic events. The offspring of single-parent families are mostly in as good somatic health as those of two-parent families.

Participants 6, 7, 16 and 23 pointed out that when they were institutionalised their fathers had been in prison, which may suggest a genetic transmission of antisocial behaviour and/or the

father having served as a role model for criminal behaviour. Moreover, the risk of criminal offending, violent offences and reoffending in particular, seemed significantly higher among children who stated that they were born to single-parent families. Related to single-parent families is lack of guidance and education, which will be discussed in the following section.

In the first few years after a divorce children show higher rates of antisocial behaviour, aggression, anxiety, and school problems than those in two parent families. However, some of these problems may be attributed to a decrease in available resources and adult supervision as many of the negative effects disappear when there is adequate supervision, income, and continuity in social networks. In mother-only families, children tend to experience short-and long-term economic and psychological disadvantages; higher absentee rates at school; lower levels of education; higher dropout rates (with boys more negatively affected than girls); and more delinquent activity, including alcohol and drug addiction. Adolescents, on the other hand, are more negatively affected by parental disputes prior to divorce than by living in single-parent families, and some actually assume greater responsibility as a result of altered family routines. Children in single-mother homes are also more likely to experience health-related problems as a result of the decline in living standard. Later, as children from single-parent families become adults they are more likely to marry early, have children early, and divorce. Girls are at greater risk of becoming single mothers as a result of non-marital childbearing or divorce.

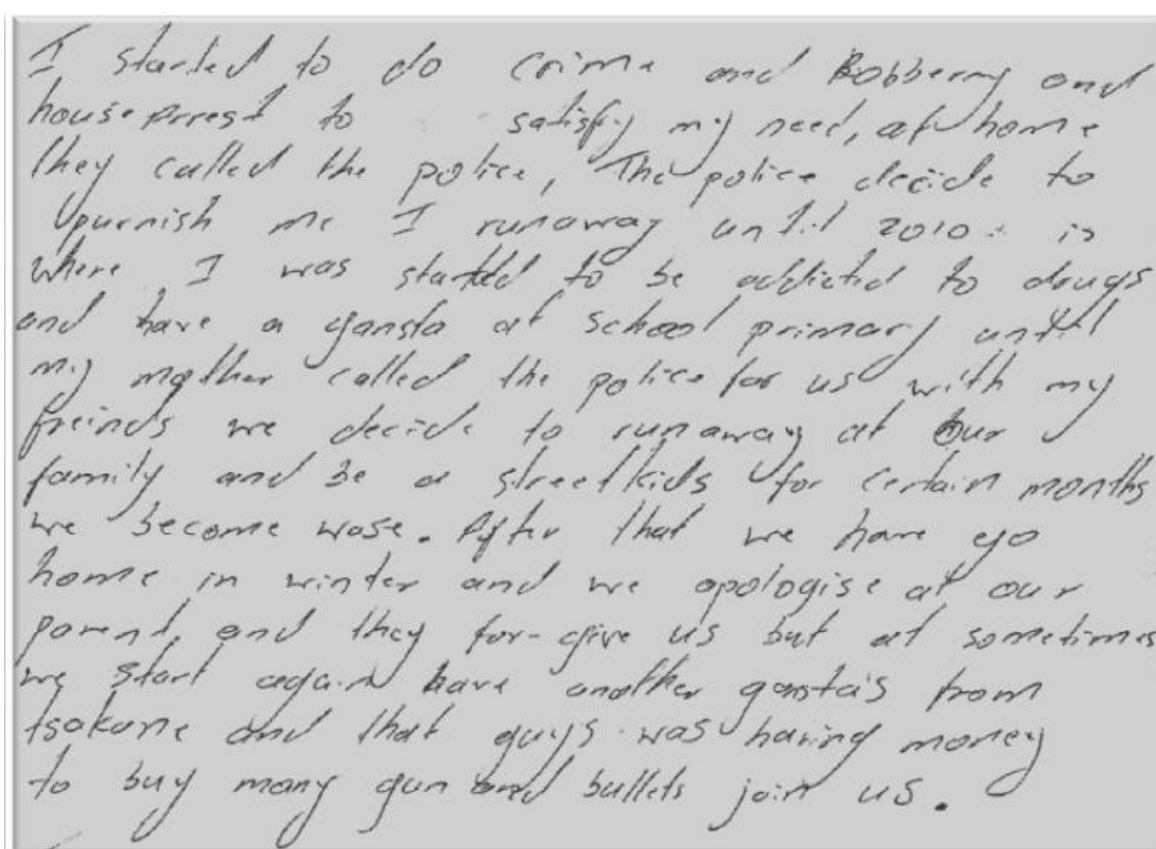
In summary, the relationship between children and non-custodial fathers can be difficult and strained, with fathers often becoming disinterested and detached from their children. The economic deprivation of single-parent family life, in combination with other sources of strain and stress, is a major source of the problems experienced by both parents and children.

### **5.3.3 Lack of guidance and education**

Most participants felt that the provision of training and job opportunities is highly significant to them: *“So actually what they do here is getting us involved in something that we like and something that we can achieve and turn away from gang activity”* (Participant 24). The role of education was seen as a powerful tool to prevent and also reduce criminal involvement by these children. Bronfenbrenner (1989) stresses that early intervention in schools might provide a solid means by which to prevent many children from joining gangs and becoming involved in criminal activities. It is apparent here that by not allowing criminal behaviour to be learnt, the gang lifestyle might not be adopted as a social norm, and initial involvement in gangs can be

avoided by many young children. Education and employment were found to be equally influential amongst children in conflict with the law joining and leaving gangs. *"...no job, no training, and no education, no access to permanent job is extremely difficult, leading me to engage with gangs"* (Participant 24).

Education was repeatedly brought up throughout the focus group interviews. As explained by Bronfenbrenner's socio-ecological systems (Chapter Three section 3.2.2), it became apparent that issues pertaining to educational attainment were very important to their personal understanding of why and how they could change their lives. One of the participants declared that during his involvement in criminal activities he *"regularly attended school merely to sell drugs and talk with peers"* (Participant 07). See the narration below, Figure 5.5.

A photograph of a handwritten note on lined paper. The handwriting is in cursive and somewhat slanted. The text describes a person's involvement in criminal activities, starting with crime and robbery, leading to a house arrest and police intervention. It mentions a runaway period until 2010, drug addiction, and being a gangster at school. The narrative continues with a decision to run away from home, becoming street kids, and eventually returning home to apologize. It concludes with a mention of having another gangster from Isakone and having money to buy guns and bullets.

**Figure 5.5:** Narrative of criminal activity

After having been sent to a correctional setting for various drug charges, Participant 7 attended classes as part of his sentencing, however he felt that attending school in the correctional settings was not beneficial to him: *"I mean I attended school and it was like stupid school... I mean that must have been like fifth grade work they were giving us. It was not very challenging any of the school crap..... I could do all that off the top of my head. I don't have to do it and they made me do the crap... the easy stuff. There is more challenging material, and I told them*

*that I was going to stay in the hostel, unless they give me more challenging work. I was not going to go to school because they were insulting my intelligence.... you know... I didn't learn anything ..."* (Participant 07). This type of response was similar to four other participants. *"They force us to do life skills instead of the subject of accounting and things like that"* (Participant 07, 11, 16 and 24).

Participant 11 stated that he seldom went to school once he became involved in criminal activities, not considering that he first became involved in crime at the age of 13. From what I was shown, his file disclosed complications in school throughout the intermediate and senior phases of his schooling. He confirmed that his attendance was inconsistent because he was working: *"I was busy, I was working, I had a job then I'd be tired so I wouldn't get up and go to school. I just hung out, that's about it"* (Participant 11). His boredom with school attendance improved a little when he made the senior football team, however, this development was brief as he was not able to continue due to his poor classroom performance: *"I played soccer at school, I was excited about it, but I got side-lined. I just didn't make the grades. I was absent from school most of the time. I just don't like school"* (Participant 11).

Most participants further agreed that suspending them from school involved labelling them as 'abnormal' because of a minor misdemeanour, and this followed a downward spiral, as *"...our behaviour is decided for us...adults, directly or indirectly, encourage us to do what we do"* (Participant 02). Clarifying this from the socio-ecological mesosystem, exclusion from school often results in children becoming more in conflict with the law, as removing education from an already troublesome child's life has severe long term ramifications. In addition to the effectiveness of programmes on rehabilitation and education as a positive intervention measure, its ability to encourage involvement in further criminal activity is also evident.

#### **5.3.4 Place of education**

The general feeling from the interviews and observations was that the children in conflict with the law who chose to partake in education, for whatever reason, were motivated, but those who were forced to be involved in education because of their sentence plan or because the prison *"expected us"* (Participant 17) to attend school were particularly difficult to motivate. This was particularly evident at school A: *"Teachers just don't have any idea what they're doing. They don't know how to teach properly. Screaming at the top of your lungs, just getting other people's attention and if you say you don't know how to do the work they... just kick us out of*

*the class.... They never taught me anything at school. That was the worst school I ever went to"* (Participant 14).

Many children in conflict with the law had negative feelings about school and demonstrated these feelings when observed in classrooms. They complained about the requirement to study English and Mathematics: *"I am in a bloody prison, not a school"* (Participant 13). Besides not being trained or qualified, from what I observed, almost consistently, teachers and learning support assistants tried their best to be supportive of their learners, managing very challenging behaviour with sympathy and tact, and building self-confidence where they could.

Participants also felt that education in prisons had to provide a choice to meet the needs of children in conflict with the law who were successful at school. Skills and learning obtained in prison are not just about economic objectives but are also about the pleasure of learning for its own sake: *"... the dignity of self-improvement and the achievement of personal potential"* (Participant 12). This learning has a constructive influence on children in conflict with the law, their involvement in the wider community, their sense of purpose, and motivation. The programmes help build confidence to *"... go back and participate fully in our communities"* (Participant 12).

Participants thought that if all children in conflict with the law were to be involved in education and feel motivated the learning environment should be adaptable and not always representative of a classroom. They felt that situated learning was imperative, that is learning in a community of practice as a way of combining a real context with learning. However, the learning should be properly and fully integrated with a meaningful purpose. From this, it is evident that the teachers can find ways of motivating learning through making it fun. Engaging reluctant learners is a challenge in all educational contexts but is made worse in correctional facilities by the restricted environment and its impact on the children. In such a situation, teachers work with a group of vulnerable learners with a variety of problems and with very limited education or training in how to handle problems and cater for all their needs.

Many of the children reported during focus group interviews that they had left school with no qualifications or did not know which they had obtained. Some did not know their results because they did not return to school to collect them. Many reported through focus group interviews having gained some qualifications since school, but were not sure exactly which: *"... something from Amazing Computer College – and I've not looked at it seriously yet"*

(Participant 07). In contrast, children in correctional settings were almost consistently enthusiastic about gaining more and new qualifications. In both settings, the most highly valued qualifications were those directly related to practical activities that could be applied to obtaining employment. Optimistically, they indicated that they wanted to get work and become financially independent and plans to study were closely related to a vocational career such as carpentry or painting and decorating. Some careers, such as mechanic or chef, tended to be seen as unobtainable because of the necessity of going to college as part of the training. Consequently, they were not keen on going to college, which would be a necessity for becoming a chef.

During the discussion on naïve sketches many participants talked about education in correctional facilities as a way of eliminating reoffending. From these discussions I observed that most of the participants were unemployed at the time of incarceration and for them employment reduced the risk of re-offending. Having *“a job brings with it the stability and satisfaction”* (Participant 07) that accompanies being in employment. In addition, participants believed that education could have a positive impact on reducing reoffending through the wider benefits of learning and the development of the person as a whole, not just in terms of qualifications for employment. One of the difficulties in promoting a more holistic approach is that the rehabilitative benefits of education are hard to prove.

Conversely, there was great doubt about education, which is not surprising in the light of the children's previous learning experiences. They tended to be particularly critical of literacy and numeracy classes, complaining about too many worksheets, which were too easy and sometimes repeated. A common complaint was that they had *“finished with all that”* (Participant 20), or *“have left school and do not want to go back”* (Participant 14). They felt that education and training should be interlinked with work experience or vocational training.

### **5.3.5 Educational needs**

The range of needs which could be present within one class was highlighted by a number of children in conflict with the law. From what I observed, some had poor language skills, and some could neither read nor write. Clearly, the curriculum has to be tailored in such a way that their needs are met. Being in a class with diverse range of abilities may well have an impact on the children in conflict with the law. It might be frustrating for higher achieving children in conflict with the law, who do not feel challenged, and potentially humiliating for children in

conflict with the law with limited knowledge, skills and understanding. Both of these negative emotions, frustration and humiliation are likely to decrease motivation for learning and in turn have an adverse effect on their behaviour during sessions (Hunt, 2009).

#### **i. Individual Education plan (IEP)**

Many children in conflict with the law who were interviewed either did not have or were unsure about whether or not they had an IEP: *“What is individual education plan IEP? What is it used for...what is its purpose”* (Participant 02). Effective IEPs involve the learner and are standardised and used across all areas of learning and skills in correctional facilities, as well as for learners with special educational needs. IEPs are used for specific learners who have particular needs, such as problems with reading, mathematics or behaviour. IEPs for all learners are identified as a feature of good practice and are intended to use initial assessment to ensure learning is personalised and in the control of the child. In terms of management, they are intended to be used to evaluate learner responses, record progress and achievement, support standards, sustain improvement, monitor provision and provide data for impact measures. In terms of teaching and learning they are used to set specific targets so that the planning of sessions can be personalised to the specific needs of a specific child in conflict with the law.

During observations, the children in conflict with the law did not have their IEPs with them as they worked. Again, there was no discussion between the teacher and children about their IEPs. The teachers were aware of the requirement to maintain IEPs and were complying with this although the children's involvement was not witnessed during the observations. The initial assessments must include some type of assessment of preferred styles of learning by the children, although there was no suggestion by any of the teachers that this took place. It also implied that the teaching methods took account of preferred learning styles, which was not evident in the observations. This is rather a simple approach towards trying to ascertain the ways different people learn, and expresses concern about how the theory of multiple intelligences is misinterpreted.

Furthermore, during observation, one teacher showed an example of lesson planning to be completed before each session. This planning format suggests that it was expected that a whole group activity would form part of the lesson, that individual work would be set to meet individual targets and that the session would be evaluated. It was not clear if this evaluation

would include an assessment of learning or if it focused on evaluation of teaching as a completed plan (which was not seen). The said teacher was observed completing their session plan about fifteen minutes before it started. If this is merely a paper exercise with no application to practice it becomes a tedious administrative task without any purpose. Teaching and learning material needed by children in conflict with the law will now follow.

## **ii. Teaching and learning material**

The most apparent difference between the teaching and learning of correctional facilities and other institutions is the prison environment. The physical features of the *“high prison fences, locked gates and doors and strict atmosphere”* (Participant 05) are clearly observable, but issues related to the prison regime and teaching resources are only apparent once in the classroom. The security issues are difficult for some teachers to accept, as are the relationships between the education staff and prison officers, which seemed to vary depending on both the person and the prison. However, the attitude of prison officers towards education is significant in terms of the priority given to ensuring children in conflict with the law are escorted to and from education classes in what is already a time-bound environment. The whole culture of the prison, affects the way in which the potential value of education in prisons is perceived and prioritised. The common practice of moving children in conflict with the law without notice creates a learning culture that is fragmented and disruptive for both teachers and learners.

The availability of well thought-out teaching and learning materials for children in conflict with the law is in abundance for their rehabilitation and education programmes. However, these need to be selected to match learners’ interests as well as to ensure curriculum coverage. Where materials suggest discussion or include practical work, this offers a valuable opportunity to make the work more relevant to the learner and these sorts of activities should be given high priority. A significant motivating force for the children in conflict with the law *“is getting a job”* (Participants 21, 17, 14, 07 and 04). Embedding basic skills within a vocational context will tend to be more appealing than a formal literacy or numeracy curriculum, and exploring opportunities to integrate skills in practical issues has great scope for improved learning.

Resources that teachers in other contexts take for granted, such as the *“use of ICT to both communicate with learners and to support teaching and learning”* (Participant 03), are severely restricted in most correctional institutions, with clear implications for teaching methods and strategies to promote learning. All of these issues, from the fundamental philosophical



differences between the cultures of education and prisons to the more ordinary, practical inconveniences such as having to submit IT presentations in advance, are challenges faced by children in conflict with the law. Their ability to meet these could be supported more fully by appropriate, context-based preparation and training, which, *“at present is virtually non-existent”* (Participant 11).

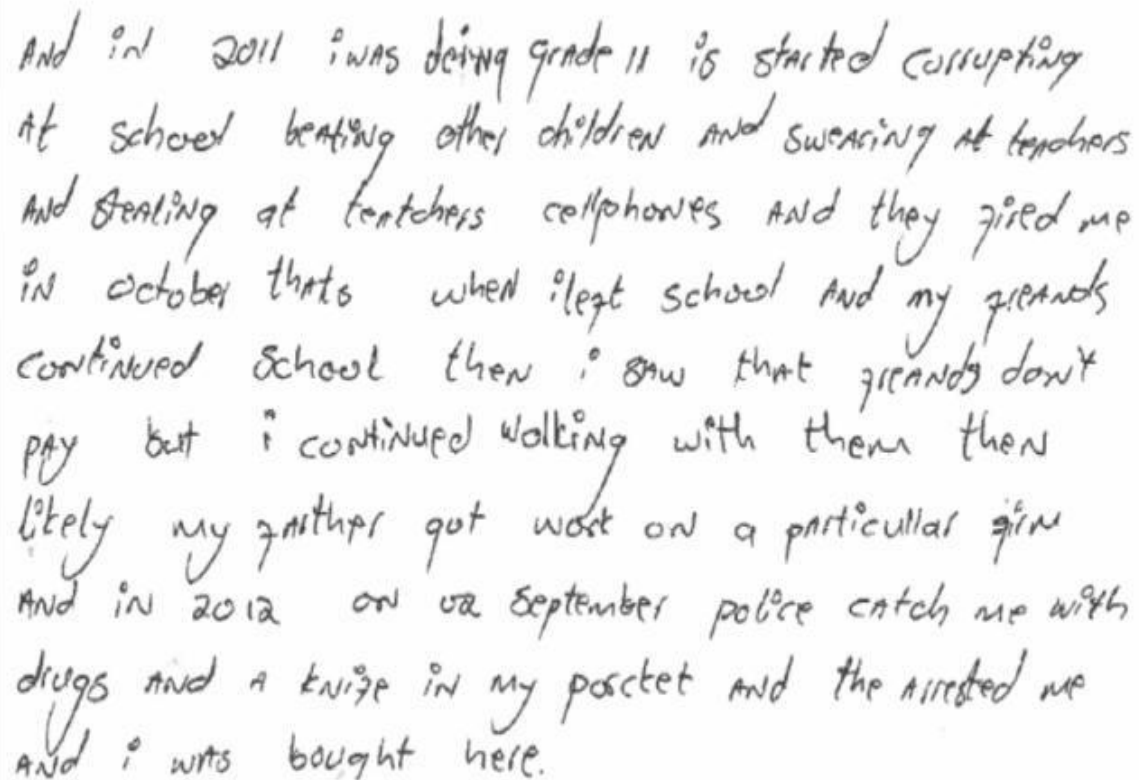
Where teaching resources were available within the teaching room, for example, a range of sample lessons, dictionaries and maths text books, this was observed to be helpful. I also realised that computers were used to good effect in ICT sessions but we only once observed any cross-curricular use, despite the presence of computers in many of the teaching rooms. High-tech smart boards were available in the custodial settings but were not in use, probably because staff did not know how to operate them.

These findings indicate that education and training should aim to support the children *“in the development of meaningful literacy, numeracy and IT activities that fully relate to the occupational context”* (Participant 08). It also raises the issue of the importance of identifying individual prisons which successfully integrate basic skills in occupational training.

### **5.3.7 The prison school setting effect**

Many participants agreed that participating in and hopefully successfully completing rehabilitation, reintegration and their educational programmes may lead to a better sense of self. They believed that there was an overwhelming sense of unfairness and victimisation that led to frustration and a search for ways to get out of the prison school life-world. The most important messages that came from the children in conflict with the law were that: *“I cannot be in here”; “I do not fit in this school”; “I cannot sit and be quiet like these other kids in here”; “I cannot survive in this system unless I get medication, in this school environment, it is not safe to be me; it is not me to sit and be quiet and work like this”* (Participant 20).

Participants believed that the curriculum in their correctional facilities and the impact on teaching and learning of children in conflict with the law was limited and fragmented: *“When I was at school outside, I was taking drugs at school. I will not stop things just because I am in a correctional school. I’m not like, I’m one person here and then I’m one person at school. I’m always the same person”* (Participant 20). Below is a narration by Participant 20.



And in 2011 i was doing grade 11 is started corrupting  
at school beating other children and swearing at teachers  
and stealing at teachers cellphones and they fired me  
in october thats when i left school and my friends  
continued school then i saw that friends don't  
pay but i continued working with them then  
likely my father got work on a particular firm  
and in 2012 on 02 september police catch me with  
drugs and a knife in my pocket and they arrested me  
and i was brought here.

**Figure 5.6:** Narrative - drugs and knife in my pocket

Another participant added that: *"Sometimes when I smoked dagga it made school feel better for me. It would calm me down, and I'd just sit by myself and enjoy being high"* (Participant 24).

### **5.3.8 Past harmful incidents made evident by risky behaviour and peer influence**

Some participants felt that when a child demonstrates disruptive behaviour the teacher has to view it within the context of the learner's life and come to an understanding of the forces that shaped the life of the learner. Often the causes of destructive behaviour are attributed entirely to the child: *"they blame me and they don't realise that they made a monster I am today.... They are also to blame"* (Participant 06). However, this kind of assessment, which presumes a linear relationship between cause and effect, should be regarded as simplistic, instead of dealing with behaviour in a broader context, consisting of the individual, family, school and society, as delineated from a socio-ecological systems angle.

The lives of children in conflict with the law played out in virtually endless transformations as they interact with and are shaped by the energy within them and outside, but while some interactions were healthy and productive others were not. Bronfenbrenner's socio-ecological

systems, as illustrated in Chapter 3, section 3.2.2, confirm that in school the children's destructive behaviour is perceived as a threat which seriously challenges their own health, and ultimately the prospects for survival of all other children. It is significant to note, from what I observed, that the usual common disruptive behaviours that pose a challenge to teachers are as follows:

- verbal interruptions: name-calling, humming, calling out
- off-task behaviours: daydreaming, fidgeting, doodling, tardiness and inattention
- physical movement: whether intended or not, this is bound to be disruptive, for example, wandering about, visiting other learners, passing notes, sitting on the desk, and throwing objects around the classroom
- disrespectful actions: verbal aggression, teasing, punching, neglecting academic work, refusing to follow directions, and assault.

These common forms of destructive behaviour existed to some extent in all classrooms: *"teachers always said that I was silly and disruptive for no good reason"* (Participant 06).

The destructive behaviours above are relatively superficial in that they are usually not the result of deep-seated personal problems, but rather normal developmental behaviour of children. More serious disruptive behaviour, such as conflict developing into physical violence, is by far the most challenging misbehaviour to deal with. Participants acknowledged that fighting is presumed to be the best way of resolving their conflicts, and some regard peers who do not fight as weaklings: *"...all I wanted to do was to prove that I am not a sissy boy... like most of them call me. And for that I nearly killed a person. I am lucky that I was only charged with assault"* (Participant 18).

The family is the most immediate and perhaps the most influential system affecting the individual (Walsh & Williams, 1997: xi). Lack of parental guidance and dysfunctional families are continually emphasised as risk factors. Rayment (2006:31-32) found that certain parents displayed violent and aggressive behaviour towards school staff and that their children also showed signs of violent, aggressive and antisocial behaviour. It was also found that 10% of respondents professed to often seeing their parents verbally or physically fighting, suggesting that if children are exposed to aggressive displays between adult partners who are their role models at home they will carry these experiences with them into the school.

One of the participants affirmed that his parents exhibited vicious and destructive behaviour towards school staff and that they *“learned that this is a right way of solving problems”* (Participant 18). If children are exposed to aggressive displays between the adult partners who their role models are at home, as illustrated by the mesosystem, they will also carry these experiences with them into the school. From a child’s perspective, lack of parental intervention is the greatest cause of disciplinary problems: *“... my father said nothing.... Instead he praised me for bashing that boy’s face”* (Participant 18).

#### **i. Bullying**

Most of the participants declared that *“bullying is a serious problem, especially on the playground, where it takes the form of name-calling, teasing, taunting, mocking, as well as intimidating other learners”* (Participant 19). Many participants stressed that persistent physical or psychological harassment occurred daily. Physical abuse includes kicking, biting, hitting, punching and deliberate pushing and shoving, whilst emotional abuse includes malicious gossip, ganging and deliberate rejection of others. One participant declared that *“... gangs are formed with conversations, such as don’t play with Steven ... don’t speak to David ... he is not our friend”* (Participant 10).

Another participant stated that in some instances *“bullies are themselves bullied by siblings at home”* (Participant 13). Other factors that caused bullying that were identified involved the influence of television, emotional problems such as an inadequate sense of self-worth, jealousy related to poor self-image, peer pressure, egocentrism, insecurity, and single parenthood. *“...bullying allows them to experience a sense of control and authority”* (Participant 16). Another participant stressed that: *“.... older learners bully the younger learners to get their money”* and *“... older children who play in the area of the smaller children likes to abuse the younger children”* (Participant 19).

#### **ii. Stealing**

Participants testified that they stole *“each other’s books, money, clothes, and shoes”* (Participant 09). Comments on causes for stealing placed more emphasis on the testing of authority, poverty, poor socio-economic backgrounds, and imitation of peers, malnutrition, personal problems, hunger, jealousy, and unprincipled parents. One respondent commented

that: *"... Some children don't think that it is wrong to steal due to improper examples from parents and older boys"* (Participant 12), another that: *"Cases can seldom be proven..."*. Participants' bags were seldom searched and others affirmed that the police would be contacted only in serious cases.

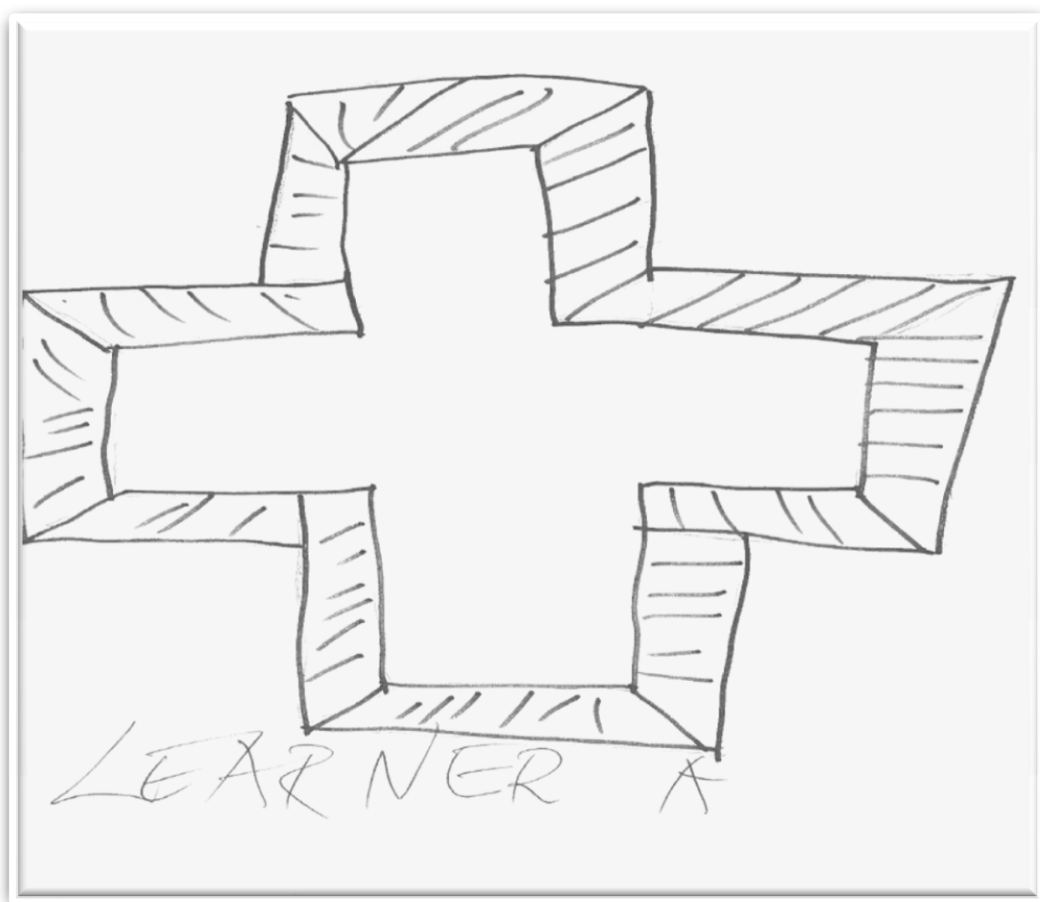
### **iii. Using bad language**

Many participants acknowledged that rude signs and suggestions, swearing and derogatory remarks, and abusive, discriminatory or offensive language were daily occurrences. They stated that some of them used offensive language to express their feelings, anger and grudges, and that *"bad language is copied from parents/guardians and peers as well as from television, where swearing is not unusual"* (Participant 26). One respondent believed that *"... other children are accustomed to using bad language because it is heard in conversations of peers and adults"* (Participant 17), another that *"learners are exposed to bad language at home and in society at large to the point where it becomes a norm. It becomes part of their life"* (Participant 29). Disruptive behaviour is a call for help and at the same time a serious challenge to the survival of the school as a system. Families, schools and society are not simply a collection of people but consist also of relationships. Thus, social systems that are dependent on each other are influenced by each other, and have a responsibility to assist other systems to keep healthy. Because the learner is inherently dependent on other systems for his or her own health and survival, other systems such as the family and society need to exercise and promote positive behaviour in the learner. It is futile, however, if one system, for example the parents, exhibits good behaviour but learners are exposed to immoral behaviour, dishonesty, teachers who come to school unprepared or drunk, and media portrayal of excessive violence and aggressive behaviour in children's programmes. Each system therefore needs to maintain its own health and must be able to change in order to positively shape the lives of children in conflict with the law (Marais & Meier, 2010).

#### **5.3.9 Changed behaviour perceived as positive through the provision of pastoral care**

The pastoral side of teaching in all correctional facilities visited was emphasised by most children in conflict with the law and was an area that seemed particularly significant to them: *"You might need to talk things through if there has been trouble we feel comfortable to talk"* (Participant 03). Punishment is loss of freedom and that is heavier than may be generally acknowledged, and what happens at home the children in conflict with the law cannot do

anything about. The scope for pastoral care is limitless: *“You need to be kind and respectful to other people. I have learned a lot about the pastoral side from the teachers”* (Participant 09). When I asked them to draw naïve sketches for me, five drew a cross, as in figure 5.7(below), which for me signified the profound worth to them of pastoral care.



**Figure 5.7:** A cross as sign of the worth of pastoral care

It was stated that teachers in all contexts *“need to be aware of the effect personal and emotional difficulties can have on learning, our problems are made more difficult by the separation from family...”* (Participant 27), that their teachers were *“...stand-in parents”* and *“some ...need more counselling skills”* (Participants 24 & 27). The word ‘pastoral’ was used by four of the participants. Children expressed the belief that *“their emotional state in prison makes teaching in prison setting distinct from other usual educational settings. In here teachers have to be trained in how to respond sensitively to kids who are upset or angry”* (Participant 6, 14, 24 & 27). Teachers in prisons may feel compassion towards children in conflict with the law who are upset, but may feel unsure about how to respond due to the rules and regulations of the prison and the warnings given during induction about potential manipulation by other children. This was illustrated by an outburst by one teacher during

observation, lamenting that he was confused about what to do in such situations. He clearly appeared to be in serious distress.

During observations, teachers in these correctional institutions unanimously avowed that they felt spontaneous need to get close to the learners they taught by building relationships with them so they could communicate effectively and sensitively. On the other hand, they had to keep their distance because they had been cautioned by prison authorities as to how calculating children in conflict with the law can be. This delicate balance is a challenge for teachers, with some deliberately distancing themselves from the pastoral role to avoid having to respond to the children's emotions. This has clear implications for the training needs of teachers (Nel & Muller, 2010), and they need to be supported in understanding the vulnerability of the children, their emotions, the main causes of distress and how they can respond in order to provide appropriate pastoral care without compromising the staff-prisoner relationship or security.

## **5.4 DISCUSSION**

In trying to understand children in conflict with the law, theorists, researchers and practitioners together acknowledge the increased convolution in comprehending children's behaviour and development. The development of childhood disorders are understood as a function of complex interactions between multiple etiological factors (Silk, Nath, Seigel & Kendall, 2000), and Bronfenbrenner's approach introduced a dialogue about this complexity in postmodern society. Developmental criminologists have embraced his model in recognition of its attempt to address this complexity, arguing that it is the "framework that best accommodates the greatest variety of variables since Bronfenbrenner included contextual factors in his theory of levels of influences on children. The influential "factors have been increasingly taken into account in psychological studies of delinquency" (Stouthamer-Loeber, Loeber, Wei, Farrington & Wikstrom, 2002, 11). The risk effects are measured according to the immediate contexts proposed by Bronfenbrenner (Farrington, 2003; Stouthamer-Loeber et al., 2002), and his influence on classical theories of childrearing, socio-economic factors, children in conflict with the law, poor academic performance, poverty and broken families still resonates in research studies of children in conflict with the law (Aguilar, Sroufe, Egeland & Carlson, 2000; Chung, Hill, Hawkins, Gilchrist & Nagin, 2002; Farrington & Loeber, 2000; Herrenkohl, Sousa, Tajima & Moylan, 2008; Loeber & Farrington, 2000; Sampson & Laub, 2006).

In this study I have examined the perceptions of children in conflict with the law with regard to current rehabilitation and reintegration programmes. The participants signified that poor relationships with parents combined with learning and social difficulties to lower motivation to learn. Harmful school settings endorsed aggression and violence (Dowd, 2011). Poor relationships with teachers, antisocial school cultures and ineffective school practices combined with family instability, domestic violence, physical abuse and family criminality to aggravate the scholastic and social difficulties of the children.

School was a negative experience for most of these children, and learning difficulties were associated with contextual factors, such as boredom, peer distractions, and preoccupation with personal problems. Kenny and Nelson (2008) support the claim that poor relationships with teachers compound learning difficulties and reduced motivation to learn. Some of the children in conflict with the law felt disconnected from their teachers, showed little respect for school authority and responded poorly to authoritarian teaching styles. They were reluctant to ask their teachers for assistance because they feared embarrassment and humiliation in front of their peers. They resented the teachers showing signs of being judgemental, for failing to acknowledge their efforts and for being unresponsive to their needs. Initial desires to succeed in the classroom were replaced by frustration, anger, hopelessness and disappointment following failure. Many of their acting out behaviours were an expression of this anger and disappointment.

Scholastic collapse has been widely associated with anti-social behaviour (Hawkins, Farrington & Catalano, 1998), and findings from this study suggest a need to change the learning context in which it occurs (McEvoy & Welker, 2000). They highlight the importance of fostering healthy relationships with teachers; providing curriculum relevant to learners' learning and social needs; ensuring that all learners feel acknowledged and supported within the classroom regardless of scholastic ability; and providing additional support to learners who are experiencing personal and family difficulties.

The unfavourable correctional settings described by the children in this study reinforced aggressive behaviour and reflected behaviour that is modelled by perpetrators of physical abuse. They routinely engaged in instrumental and reactive forms of violence to resolve disputes, to assert dominance and control, and to impress their peers. Many of their violent behaviours did not receive appropriate penalties from authorities and were reinforced by the results accomplished (Kenny & Nelson, 2008).



Peers exercised a strong, immediate influence on the behaviour of the children and they were highly conscious of peer analysis. They reported being readily influenced by their peers to engage in behaviours that supported their self-concepts, whilst peer influences threatened their self-concepts promoted hostility, for instance bullying. This was consistent with their self-concepts promoting compliance and conformity with peer group norms, such as substance abuse and fighting. Rogers (1951) wrote that people are most likely to engage in behaviour that is consistent with their self-concepts, so interventions that target negative self-concepts might be useful in modifying problematic school behaviour. Providing children with positive school experiences, such as successful learning outcomes, integration into pro-social peer groups and empathic mentoring, are factors that may help them to develop healthier self-concepts (Keller, & Dubois, 2010; Kohlberg, 1994; Levy, 1997; Wheeler, Randolph & Johnson, 2008).

Most of the children in this study had been affected by school bullying, confirming Kenny and Nelson's (2008) findings of high rates of bullying behaviour among incarcerated young male offenders. The baseline data from research studies suggests that bullying was four times more prevalent than in a general school population (Kumpulainen, Rasanen, & Henttonen, 1999; Smith et al., 1999). Many of the children in conflict with the law reported bullying other children in return.

The impact of adverse single-parent family on the experiences of the children was significant. Most came from broken homes, had little or no contact with their fathers or otherwise described problematic relationships with one or both of their parents. Family instability and disrupted attachments to parents predisposed them to academic and social difficulties at school, findings that are consistent with a large body of research that demonstrates that children from broken homes are at risk of being involved in serious criminal acts (Anderson, 2002; Harper & McLanahan, 2004; Sauvola et al., 2002; Sourander et al., 2006). The literature suggests that reduced parental control underlies these findings (Coley & Medeiros, 2007; Demuth & Brown, 2004).

Poor relationships with teachers, deviant school cultures and ineffective school practices combined with family instability to worsen the scholastic and social difficulties of the children in this study, as did domestic violence, abuse and family criminality. This confirms the findings of Reinke and Herman (2002) that pre-existing risk factors for academic failure and antisocial

behaviour are compounded by poor relationships with teachers, deviant school cultures and ineffective school practices, making children from adverse family backgrounds, especially the vulnerable and those most in need of a supportive school environment. In this study, it was realised that interventions directed at providing positive, nurturing, stimulating, caring and safe classroom environments may help prevent children from unpleasant family backgrounds from entering a downward spiral of scholastic failure, antisocial behaviour, school rebellion, school dropout and criminality.

McEvoy and Welker (2008) also argue that the combination of scholastic failure and social rejection forms the basis for the emergence of subcultures such as gangs. In the schools that participated in this study, it was evident from the interviews and observations that in the absence of effective interventions, unusual subcultures are modelled and reinforce antisocial behaviour. In addition, this sets standards for abnormal behaviour and organised and directed criminal behaviour (Griffin, Addie, Adams, & Firestone, 2011).

One factor predicting gang membership is residential instability (Dupere, Lacourse, Wimmers, Vitaro & Tremblay, 2007), and one might expect that neighbourhoods characterised by this would lack the informal social control mechanisms to help limit delinquency. The school context encompasses a set of factors that are more likely to be implicated in a feedback relationship with anti-social behaviour. Children who are predisposed to misbehave find the organisation of school unfriendly and their relations with it become increasingly rough, ultimately leading to exclusion. At the same time, the labelling that takes place in the educational setting reinforces a delinquent reputation, and the more explicit labelling entailed in exclusion further intensifies delinquent activities. However, in testing the model, the direct link found between school context and violent offending may more accurately reflect an influence running in the other direction: children in conflict with the law who are violent are consequently more at risk of exclusion.

This is part of a more general truth, a caution against the expectation that a simple linear model can fully capture the patterns of cause and effect to which the pattern of offending is tied. In accordance with Bronfenbrenner's socio-ecological model, a pattern of individual behaviour cannot be only an outcome of environmental forces, but rather it will feed back into the individual's social environment, affecting the way that others, individually, collectively and as institutional actors, respond and react. Findings from this study are consistent with this view and suggest a need to change the correctional setting environment in which these antisocial

and violent behaviours are advanced. Approaches of excluding or suspending children from school due to problematic school behaviour disrupt learning and fail to act as a deterrent (Hosseini, 2011). School exclusion undermines learner–teacher bonds and sense of connectedness to the school (Shochet et al., 2006), which is necessary to manage behaviour and enhance commitment to scholastic achievement (McEvoy & Welker, 2000). Social control theory (Hirschi, 1969) predicts an increase in antisocial behaviour following school exclusion because of reduced social school control, and empirical studies support this contention (Hemphill, Toumbourou, Herrenkohl, McMorris, & Catalano, 2006; McCrystal, Percy, & Higgins, 2007). Findings from this study are consistent with the research and suggest that children in conflict with the law should be encouraged to attend school.

## **5.5 CONCLUSION**

Placing together two different traditions, that is, control and empowerment, has implications for the development of a clear philosophy and presents children in conflict with the law with the challenge of meeting the requirements of both management systems. The staffing of appropriately trained teachers in prisons is clearly an issue that is likely to have an impact on consistency of teaching and learning provision. Nel and Muller (2010) assert that teacher development is necessary in order to address diverse needs of learners and ensure quality teaching and learning in class. The backgrounds and qualifications of teachers in prisons at present suggest a workforce with a range of experience in different careers, some in education and others in the justice system and legal enforcement.

This chapter has explored findings and discussed the experiences and views of children in conflict with the law with regard to the relevance and effectiveness of the current rehabilitation and reintegration programme, with a view to develop a socio-ecological framework for educators and caregivers. Issues included impact of socioeconomic contexts, single parent family influence, lack of guidance and education, place of education for children in conflict with the law, educational needs of children in conflict with the law, individual education plan (IEP), the significance of teaching and learning material, the prison school setting effect, past harmful incidents made evident by risky behaviour and peer influence, and changed behaviour perceived as positive and through the provision of pastoral care.

The next chapter includes review of research questions. It draws conclusions and makes recommendations for the development of a framework to support children in conflict with the law.

## **CHAPTER 6**

### **SUMMARY, RECOMMENDATIONS AND CONCLUSIONS**

**I have striven not to laugh at human actions, not to weep at them, nor to hate them, but to understand them.”- Benedict Spinoza (1632 – 1677)**

#### **6.1 INTRODUCTION**

This study was prompted by the desire to understand children in conflict with the law and their views and experiences with regard to their current rehabilitation, education and reintegration programmes. The literature review in chapter two and three examined rehabilitation, education, reintegration programmes as well as how juvenile justice system handle their cases in various countries. Bronfenbrenner’s socio-ecological model employed in this study recognises the vibrant interactions of the multi systems at family, peer, school, and community levels and the crucial input it can make towards understanding children in conflict with the law better.

The previous chapter looked at findings and discussions of the experiences and views of children in conflict with the law with regard to the current rehabilitation and reintegration programmes, in order to develop a socio-ecological framework for educators and care-givers. This chapter is devoted primarily in summarising the main findings of the study. It seeks to draw together the main themes that have been explored through the key research questions in chapter one and five. Recommendations arising from the results are outlined and the subsequent recommendations informed the development of a framework, rooted in Bronfenbrenner’s socio-ecological model, to support children in conflict with the law. The conclusion is wide-ranging and reflects on the importance of the prospect transformation in the institutions for children in conflict with the law. Against this background, I believe that the aim of the study is consummated.

#### **6.2 SUMMARY OF THE STUDY**

Chapter one provides the motivation for the study and the description of the problem. It outlines the aim of the study; the methodology employs and clarifies significant concepts of the study. Aspects touched upon were the plight of children in conflict with the law globally. What is evident from literature is that many children in conflict with the law are not receiving the relevant education services to which they are entitled. There are many reasons for these

circumstances. Many of these children's correctional facilities lack sufficient personnel to provide appropriate psychological and psycho-educational services. Such facilities may, in addition, lack qualified special teachers and specialists to provide appropriate quality educational services. Aims of the study, research questions, research design and methodology, population as well as sampling were outlined. The measuring instruments that were used to collect data consisted of focus group interviews, naïve sketches and observations. Trustworthiness, credibility as well as ethical consideration and confidentiality were also considered for this study.

In chapter two, the international developments on inclusive education with regard to children in conflict with the law were examined. This chapter explored global trends in educational change designed at including all learners in pursuit towards Education for All. The modes which countries around the world address issues that concern children in conflict with the law and the provision of learning support were looked at. The literature review incorporated a discussion on legislative approaches and justice system process for children in conflict with the law. In addition, chapter two considered intervention and support programmes which include amongst others the restorative justice, family conferencing and diversion. Finally, the educational support for children in conflict with the law and restraining of children in conflict with the law through education were discussed.

The literature review in chapter three focused on the theoretical framework underpinning this study. The theoretical framework of this study is informed by Bronfenbrenner's socioecological model. This theory looks at a child's development within the background of the system of relationships that make up their environment. Bronfenbrenner's theory defines complex layers of environment, each having an outcome on a child's development. The interaction between factors in the child's maturing ecology, his immediate family and community environment stimulates and drives the child's development. Changes or conflict in any one level will ripple all the way through other levels (See 1.4 & 3.2.1). To study a child's behavioural influences then, we must look not only at the child and their immediate environment, but also at the interactions with the larger environment as well. The ecological systems theory identifies five environmental systems, namely, microsystem, mesosystem, exosystem, macrosystem and chronosystem. The cornerstone of Bronfenbrenner's model is a belief that individual human development, socialisation plainly, arises as an outcome of interactions within and between multiple surrounded ecological systems impacting upon the developing child. The importance of this theory in application of the juvenile justice system is the interaction between a child in

conflict with the law and the environment. Here, the crime committed develops as a function of the interaction between a child in conflict with the law and the environment, which may include but is not limited to family, peers, school, and community.

Chapter four gives an in-depth account of the research design and methodology used in conducting this study. The research methodology is diagrammatically presented in figure 4.1. This is followed by a discussion on the philosophical paradigm and for this study I decided to employ interpretivism. Interpretive paradigm considers the experiences of individuals as the main source of interpreting social reality. The benefit of conducting this study within this research paradigm is that it allowed me to understand and make sense of the actions and views of the children in conflict with the law from an individual perspective and to understand that different people can perceive the similar social phenomenon in different ways. Furthermore, data collection strategies are discussed in detail. This is followed by an account of how I intended to analyse and interpret the collected data. In addition, a clarification is given on how trustworthiness and credibility of the study are ensured as well as the ethical guidelines that give direction to the study.

Chapter five provides a detailed analysis and interpretation of data collected through focus group interviews, naïve sketches and observations. The description of each of the schools that participated in the study is specified. This is followed by a thematic interpretation and discussion of data collected through focus group interviews, naïve sketches and observations linked to understanding the experiences of children in conflict with the law with regard to their current rehabilitation, education and reintegration programmes. The findings from the results are further mapped against international and national initiatives regarding relevance of rehabilitation, education and reintegration of children in conflict with the law back into the society, as revealed in the literature in chapters two and three of this study.

In this final chapter of the study concluding remarks are made as the final analysis. This chapter looks at the summary of the study and this is followed by the exploration of research questions. The recommendations are examined on the basis of the research findings, as discussed in the literature review (chapter two) and chapter five. These recommendations are structured according to Bronfenbrenner's socio-ecological model. The aim of these recommendations is the improvement of the current rehabilitation, education and reintegration programmes from a socio-ecological perspective. Lastly, a framework for improved

rehabilitation, education and reintegration programmes is proposed and diagrammatically represented.

### **6.3 EXPLORATION OF RESEARCH QUESTIONS WITH THEMES**

I will now examine the four research questions using the themes and sub-themes that emerged from the data collected. The themes and sub-themes that emerged not only addressed the research questions outlined in chapter one, but also provided information on the prison rehabilitation, reintegration back into society and education programmes as well as the experiences and views of the children in conflict with the law who were interviewed. Some of the themes that emerged here were confirmed by observation and naïve sketches. No noteworthy theme was found over and above the themes that emerged from the focus group interviews.

#### **6.3.1 Exploration of the Main Research Question and Research Question One**

*What are the perceptions of children in conflict with the law with regard to the rehabilitation and reintegration programmes?*

**And**

*What are the experiences and views of children in conflict with the law with regard to the relevance and effectiveness of the current rehabilitation and reintegration programmes?*

I have decided to deal with the main research question and research question one simultaneously because they both examine the rehabilitation and reintegration programmes for children in conflict with the law in correctional facilities.

The perceptions of children in conflict with the law on rehabilitation and education programmes varied. Of particular value with reference to the focus group interviews, is that the majority of the participants perceived each of the primary skills, like numeracy and literacy, as very important (see 5.3.7). However, fewer learners indicated all of the skills as incredibly vital. The quality of the occupational programme was rated higher by participants than the scholastic programmes. Another interesting difference between the occupational and scholastic programme learners is that occupational learners reported a need for improved teacher's assistants. The only teacher's assistants available in these schools are security guards and cleaning support staff that is not appropriately trained (see 5.3.9). Teachers with a positive



approach to lead these programmes may help keep learners motivated and increase their chances at a successful life once released.

Many participants agreed that participating in and hopefully successfully completing rehabilitation, reintegration and their educational programmes may lead to a better sense of self (see 5.3.7). In addition participants believed that education can have a positive impact on reducing reoffending through the wider benefits of learning and the development of the person as a whole, not just in terms of qualifications for employment. Conversely, there was great doubt about education, which is not surprising in the light of the children in conflict with the law's previous negative learning experiences (see 5.3.3). The participants tended to be particularly critical of literacy and numeracy classes where they complained about too many class exercises, which were too easy and sometimes repeated.

Fundamental, in probing these research questions is the findings put forward in theme five 'Place of education for children in conflict with the law' (see 5.3.4), sub-themes five 'The significance of teaching and learning material' (see 5.3.5) and theme six 'The prison school setting effect' (see 5.3.7): that the most apparent difference between the teaching and learning of correctional facilities and other institutions is the prison environment. The security issues are difficult for some teachers to accept as are the relationships between the education staff and prison officers which seemed to vary depending on both the person and the prison. However, the attitude of prison officers towards education is significant in terms of the priority that is given in ensuring that children in conflict with the law were escorted to and from education classes in what is already a time-bound environment. The whole culture of the prison, affected the way in which the potential value of education in prisons is perceived and prioritised (see 5.3.9). The common practice of moving children in conflict with the law without notice also created a learning culture that is fragmented and disruptive for both teachers and learners.

However, participants also felt that education in prisons has to have a choice to meet the needs of children in conflict with the law who were successful at school. Skills and learning obtained in prison are not just about economic objectives only. They are also about the pleasure of learning for its own sake. They thought that if they had to be involved in education and feel motivated, there was a need for the learning environment to be adaptable so that it is not always representative of a classroom. Participants felt that situated learning was crucial (see 5.3.7). Situated learning is learning in a community of practice and could be a way of combining a real context with learning but only if the learning is properly and fully integrated

with a meaningful purpose. From this, it is evident that the teachers have to find ways of motivating prison teaching and learning through making it more fun. Clearly, engaging reluctant learners is a challenge in all educational contexts but is made worse in correctional facilities by the restricted environment.

### **6.3.2 Exploration of Research Question Two**

*What is an appropriate socioecological model to understand and support children in conflict with the law?*

There is an important finding highlighted by theme two, 'Single parent family influence' (see 5.3.2), which shows that from Bronfenbrenner's socioecological systems, the family instability, economic deprivation (see figure 5.3), overcrowding and poor parenting appeared as the most important risk factors for later criminality and sounded critical for the participants. In addition, family background increased the risk of criminality. The participants felt that the single-parent family, lacking the father during childhood, was the family type with the most adverse effect on criminality (see 5.3.2). Due to the fact that a mother raises the child alone, there was a possibility of a failure in the childhood environment to provide sufficient facilities for the psychological and social development of the child (Sobol, Wu, and Sun, 2013). Further, children from disharmonious broken families appeared more likely to offend or get into criminality because they do not build up internal inhibitions against socially disapproved behaviour. Family structure that includes two adults is more likely to contribute to positive child outcome since emotional and practical stresses involved with child rearing can be shared (see 5.3.2).

Bronfenbrenner's socio-ecological systems, as illustrated previously in chapter 3, section 3.2.2, confirm that in school, the children's destructive behaviour is perceived as a threat which seriously challenges their own health, and ultimately the prospects for survival of all other children. It is significant to note, from what I observed, that the usual common disruptive behaviours that pose a challenge to teachers are verbal interruptions, like name calling, humming, calling out, off-task behaviours like daydreaming, fidgeting, doodling, tardiness, inattention, physical movement that, whether intended or not, is bound to disrupt like wandering about, visiting other learners, passing notes, sitting on the desk, throwing objects around the classroom and disrespect actions like verbal aggression, teasing, punching, neglecting academic work, refusing to follow directions, and assault (see 5.3.7). Some

participants felt that when they showed a disruptive behaviour, the teacher had to view the behaviour within the context of the learner's life and come to an understanding of the forces that shaped the life of the learner (see figure 5.6). Often the causes of destructive behaviour were attributed entirely to the child by some teachers. However this kind of assessment, which presumes a linear relationship between cause and effect, should be regarded as simplistic, instead of dealing with behaviour in a broader context, consisting of the individual, family, school and society as delineated from socio-ecological systems' angle in chapters one and four (see 5.3.8).

Education's position was seen as a powerful tool to prevent and also reduce crime involvement by these children. Bronfenbrenner (1989) stresses that early intervention with regard criminal behaviour or any behavioural problems in schools might provide a solid means in which to prevent many children from joining the gangs and be involved in criminal activities (see 3.2.4). It is apparent here that by not allowing criminal behaviour to be learnt, the gang lifestyle might not be adopted as a social norm, and initial involvement in gangs can be avoided by many young children (Sobol, Wu, and Sun, 2013). Education and employment was found to be equally influential in children in conflict with the law joining and leaving gangs.

Education was repeatedly brought up by children in conflict with the law throughout the focus group interviews. As explained from Bronfenbrenner's socio-ecological systems' chapter three section 3.2.2, it became apparent that issues pertaining to educational attainment were very important to their personal understanding of why and how they can change their lives. These conclusions I derived from focus groups, observations and naïve sketches through thematic analysis of the views and experiences of children in conflict with the law.

### **6.3.3 Exploration of Research Question Three**

*What aspects must be incorporated in the rehabilitation and reintegration programmes of children in conflict with the law?*

The research question three can best be explored by some participants who believed that education can have a positive impact on reducing reoffending (see 5.3.4) through the wider benefits of learning and the development of the person as a whole, not just in terms of qualifications for employment.

Peers exercised a strong and immediate influence on the behaviour of children in conflict with the law. Children in conflict with the law were highly conscious of peer analysis. They reported being readily influenced by their peers to engage in behaviours that supported their self-concepts; peer influences that threatened their self-concepts promoted hostility, for instance bullying and peer influences that were consistent with their self-concepts promoted compliance and conformity with peer group norms such as substance use and fighting (see 3.2.8). Rogers (1951) approximates that people are most likely to engage in behaviour that is consistent with their self-concepts. Interventions that target the self-concepts of children in conflict with the law might be useful in modifying problematic school behaviour and in escalating the interest of children in conflict with the law in school. Providing children in conflict with the law with positive school experiences like successful learning outcomes; integration into prosocial peer groups and empathic mentoring, are factors that may help them to develop healthier self-concepts.

School was a negative experience for most of these children in conflict with the law (see 5.3.8). Poor relationships with teachers further reduced motivation to learn. Some of the children in conflict with the law felt disconnected from their teachers. They had little respect for school authority. They were reluctant to ask their teachers for assistance because they feared embarrassment and humiliation in front of their peers. They resented when the teachers showed signs of being judgmental, for failing to acknowledge their efforts and for being unresponsive to their needs. Initial desires to succeed in the classroom were replaced with frustration, anger; hopelessness and disappointment following failure (see 5.3.8-i). Many of their acting out behaviours were an expression of this anger and disappointment.

Scholastic collapse has been widely associated with antisocial behaviour. Findings from this study suggest a need to change the learning context in which this scholastic failure occurs. They highlight the importance of fostering healthy relationships with teachers; providing curriculum relevant to learners' learning and social needs; ensuring that all learners feel acknowledged and supported within the classroom regardless of scholastic ability; and providing additional support to learners who are experiencing personal and family difficulties (see 5.3.2).

When looking carefully at Bronfenbrenner's socioecological model, chapter three section 3.2.3, it is significant to note that both the community and the school are very strongly interrelated, and indeed that both are strongly related to the family context. Thus, living in a neighbourhood characterised by disorder is associated with a poor relation with school, while both are also

linked to poor relations with parents. There are two obvious ways in which neighbourhood conditions are likely to have amplifying effects on behavioural tendencies; one is through the communication of behavioural norms. Trouble-making groups, disruptive intoxicated people, and littered streets all communicate rather different norms to those expressed through their absence. The other is through provision of a like-minded peer group (see figure 5.1). The close link between delinquency and having delinquent associates is well known and is further reinforced by the connection between gang membership and anti-social behaviour (see 5.3.1).

One of the aims of this research was to make recommendations to promote the quality of education, rehabilitation and reintegration programmes in order to enhance its potential impact on children in conflict with the law during their correctional setting sentence and on their lives after release, as stated in the research questions in chapter one section 1.7. The discussion in this research clearly indicates that teaching and learning in correctional settings brings with it difficult issues that are challenging and sometimes annoying. Some of these concerns are beyond the control of the education authorities because they are as a result of the correctional setting system. The ensuing recommendations are based on the findings of this study and also on the reviewed literature regarding children in conflict with the law and add to knowledge that necessitates improved kind of education, rehabilitation and reintegration programmes for children in conflict with the law. The recommendations are now presented in the next section.

## **6.4 RECOMMENDATIONS**

The recommendations suggested here will be presented within Bronfenbrenner's socioecological model as discussed in chapter one, section 1.5 and chapter three. The main focus will be on microsystem, mesosystem and exosystem, which affect children in conflict with the law directly.

The microsystem encompasses the relationships and interactions a child has with her immediate surroundings. Structures in the microsystem comprise family, school and neighbourhood. The mesosystem provides the relationship between the structures of the child's microsystem and examples are the link between the child's teacher and his parents, between his church and his neighbourhood. The exosystem refers to structures that impact on the child's mesosystem and therefore have ripple effects on the child. It includes all the external networks, such as community structures and local educational, medical, employment, and communications systems, which influence the microsystem (see 3.2).

## **Microsystem**

### **Recommendation one**

Throughout the focus group interviews, in observation and the presentation of naïve sketches, children in conflict with the law in this study gave a picture of an uncertain portrayal of their family environments (see 5.3.1). It is crucial that the family should play a pivotal role during their child's stay at the correctional facility and even after release. Many children are predisposed to school failure long before they entered the school system. Their family backgrounds placed them at high risk for learning and destructive behaviour. In most cases these complexities were evident from an early age. Factors in the school setting combined with adverse family factors amplify antisocial and offending behaviour (see 5.3.2).

### **Recommendation two**

The children in conflict with the law indicated that their family members should be encouraged to become more involved in the rehabilitation and reintegration process. In order to understand what interventions the offender has gone through, the families concerned should be guided through counselling and family group sessions to prepare for the offender's release, and not only sign an agreement that the individual can stay at their particular address (see 5.3.2).

## **Mesosystem**

### **Recommendation three**

During the interviews it became clear that personal records of achievement should be introduced and maintained for children in conflict with the law, supported and encouraged by education staff, personal officers and probation officers. Personal reports would include personal and sentence plan targets for education and training (see 5.3.7), records of achievement and progress verified by education staff and a copy of the individual prisoner-learner's standard assessment for educational needs (see 5.3.5). The personal report should be considered as a personal record for the offender to include all learning achievements and also offending behaviour and all correctional programmes.

### **Recommendation four**

The extensive variety of learning needs by children in conflict with the law was mentioned during the interviews as a challenge and was noted in observations of teaching and learning in their classes. This is a hindrance in any educational setting but is worsened in correctional

settings by the restricted environment, limited resources and irregular class attendance of learners). This study emphasises that the development of a collaborative intervention approach to learning could be a one of the solutions to this obstacle (see 6.6 & figure 6.1). The observed sessions and focus group interviews suggested an individualised type of a set-up, that is, the development of Individualised Education Plan (IEP) (see 5.3.5- i). The dilemma for all teachers, particularly teachers in correctional facilities, is how to meet the needs of each individual learner within a classroom of children in conflict with the law. Supporting teachers in developing the Individualised Learning Plan could enhance personalised learning and promote the skills of a specific learner in working effectively with others. Targets for education and training should be agreed with individual learners and included in their sentence plan and Individualised learning plan (see 5.3.5).

### **Recommendation five**

Based on what I found from the findings of this study, opportunities for education and training should be made available to children in conflict with the law. The resources available should be comparable with those of the learners in the mainstream classes outside the correctional setting (see 5.3.5- ii), including supervised access to the Internet. The curriculum should be of equal relevance to the needs of all to children in conflict with the law, taking into account the variety of different abilities, motivation and recognition of prior learning. The core curriculum for education, training and rehabilitation should provide a framework that ensures a degree of consistency of programmes provision between correctional facilities, in particular between correctional facilities of the similar security categories. However, this should not limit the ability of specific correctional facilities to respond to the particular needs of specific learners or to introduce flexible means to the delivery and provision of smooth teaching and learning (see 5.3.5).

### **Exosystem**

#### **Recommendation six**

From what I observed and from informal conversation, the data-based system for personal and education records does not exist and there is no continuity when learners are transferred from one correctional facility to another. An information technology data-based system for personal and education records should be developed, and a timeframe within which the transfer of records should take place, following the move of the individual learners between correctional facilities. Personal records as well as educational achievements should be kept, supported and encouraged by education staff, care-givers officers and probation officers. Personal records

together with educational achievements would include personal and sentence plan targets for education and training, records of achievement and progress confirmed by education staff and a copy of Individualised Education Plans (IEP's) (see 5.3.5-i). These documents, personal records and educational achievements, should include offending behaviour cases while at the specific correctional facility and all other correctional programmes afforded the child in conflict with the law.

### **Recommendation seven**

In the interviews, the children in conflict with the law indicated that occupational training does not offer the skills needed in today's job market are useless and wasteful endeavour (see 5.3.5-i). Occupational training should be geared towards the specific needs of the children in conflict with the law. Job opportunities, which prepare children in conflict with the law for employment, need to be offered. Education in the correctional settings should therefore be job-related and must have clear employment links. But occupational education in itself is not necessarily sufficient. Education, as the central focus of the correctional facility administration, should be designed to feed into other systemic areas such the escape from criminal behaviour (see 5.3.7).

### **Recommendation eight**

In my observation and my informal conversations with teachers, I realised that they (teachers) need a good knowledge of correctional settings and justice system policies so that theoretical knowledge and practical side can enhance teachers' understanding of correctional settings and children in conflict with the law in totality. It is vital that teachers understand the context in which they are working and the management that their learners are experiencing as these impinge on the learner and related teaching and learning approaches. Teachers who are new to correctional settings must have short induction on security protocol and professional issues. Without a broader knowledge of the purpose of correctional settings, it is difficult to place these issues within the wider context. In addition, absence of orientation not this could lead to a lack of understanding and hostility towards the correctional officers and the correctional setting regulations (see 5.3.7).

### **Recommendation nine**

From what I observed during my interview visits, perhaps the most obvious difference between teaching in correctional facilities and other contexts is the correctional facility environment. The physical features of the high correctional facility fences, locked gates and doors and strict



regulations are clearly observable but issues related to the correctional facility regime and teaching resources are only apparent once working in the environment. The security issues, from observation, are difficult for some teachers to accept as are the relationships between the education staff and correctional facility officers which seem to vary depending on both the person and the correctional facility. However, the attitude of correctional facility officers towards education is significant in terms of the priority given to ensuring that learners are escorted to and from education classes in what is already a time-bound environment (see 5.3.7).

### **Recommendation ten**

The backgrounds and qualifications of teachers in correctional facilities, from the findings, suggest a workforce with a range of experience in different careers, some in education and others in social work, criminology and so on, who came to teaching in correctional facilities later in their career life. Staff training should be a main concern, especially for those who do not otherwise keep abreast of developments in teaching and learning for skills programmes (see 5.4). There are many new developments such as in curriculum materials, teaching resources and computer learning packages that could support children in conflict with the law, but not all staff knows about them or have received training in using them.

### **Recommendation eleven**

According to the findings, an investment in staff training and development pays dividends as compared to a correctional facility that is overwhelmed by chronic staffing problems; particularly in terms of developing a more positive attitude towards the role that education has to play in correctional facilities (see 5.4).

Initial teacher training courses do not traditionally cover correctional facilities education. It is clear from research into the teaching in correctional facilities and the implications for high quality practice, that this is an area in need of urgent attention and review from the relevant authorities.

### **Recommendation twelve**

The teachers, during observation and informal conversation, expressed a need to know more about how to support children in conflict with the law exhibiting emotional distress and not just managing their behaviour. Pastoral care was seen to be an important part of their role (see 5.3.9). This does not mean training in counselling as this is a different professional occupation,

teachers would value support on how to manage the pastoral side of their work. Handling aggressive, volatile or unexpected unstable behaviour and other emotional behaviours goes beyond the concept of behaviour management. This is significantly different to pastoral care in mainstream schools and requires specialist knowledge to ensure that security and safety are not compromised while responding to a distressed learner with compassion and understanding (see 5.3.5 & figure 5.7).

## **Exosystem**

### **Recommendation thirteen**

Children in conflict with the law pointed out during the interviews that information about how to live without crime should be provided to the public through the materials such as posters, newspapers and brochures. This information will help children to understand the differences that exist between their values and real life values. The mass as well as social media and can provide the community with media education resources for youth, crime prevention programmes, parent workshops, and volunteer staff training (see 5.4).

### **Recommendation fourteen**

Suggestion was made during interviews that development of community-based treatment programmes for children in conflict with the law should be geared towards providing communities with an understanding that community-based treatment is not only about addressing crime, but practical initiative for effective rehabilitation of children in conflict with the law within their communities, to the benefit of the community at large (see 6.5). The continuous rehabilitation of the children in conflict with the law after their release from correctional facilities usually does not work because the communities are hesitant to reintegrate the children in conflict with the law into the society. Alternatively, they opt to labeling and stigmatising children in conflict with the law, who in turn reoffend. Breaking this vicious cycle is a societal responsibility, and the effective rehabilitation and reintegration of children in conflict with the law can only occur if every member of society is willing to help them to become law-abiding citizens leading constructive lives (see 3.2.4).

## **6.5 RECOMMENDATIONS FOR THE FUTURE RESEARCH**

It is suggested that further qualitative research of this nature be undertaken within other districts, regions or provinces. This might enable a broader generalisation of the findings and thus be more representative of the children in conflict with the law in general. Further studies

may counter the findings of this study thus necessitating additional research into the success of rehabilitation and reintegration programmes.

It is therefore proposed that further qualitative research be conducted to investigate how best the education system can ensure that children in conflict with the law are offered appropriate rehabilitation and reintegration programmes

Additional objectives, such as family functioning or academic performance should be researched in greater detail to determine if there is a relationship between improvements in these areas and reoffending, for example, the results of this study demonstrated that employment benefits were directly related to decrease in reoffending.

There may be relevant distinctions between types of criminal behaviour like sexual offence, drug trafficking as well as violent offences and successful relevant treatment strategies.

In addition, a qualitative study might explore some of the successful rehabilitation and reintegration programmes. There may be common characteristics among these successful programmes that can be examined through more precise coding techniques in a future research analysis.

Another area of correctional educational programmes that need research study is the effectiveness of short-term scholastic programmes as opposed to long-term programmes with regard to successfully meeting particular Individual Education Plan (IEP) objectives. In this regard, correctional education settings, particularly short-term facilities, may benefit from knowing which types of children in conflict with the law are more likely to reoffend. This information could then be used to modify an Individual Education Plan of a child in conflict with the law and treatment goals immediately upon them entering the correctional facility.

The research focused on the challenges that children in conflict with the law face upon their release from prison is seriously needed. Research to fully comprehend the vicious cycle of reoffending and to find a mechanism for monitoring the reoffending rate of children in conflict with the law is recommended.

These recommendations have informed the idea and propose of a framework on the suggested content of educational, rehabilitation and reintegration programmes for children in conflict with the law (see Fig. 6.1).

## **6.6 SUGGESTED FRAMEWORK FOR CHILDREN IN CONFLICT WITH THE LAW**

The framework that I am proposing draws from the theory of Bronfenbrenner and emphasise the significant role of collaboration in the developmental process, including the process of corrective change. The proposed framework utilises proven methods developed and tested by interpersonally-oriented researchers who put relationships and interpersonal skills at the core of their intervention strategies (Rose, 2009). The framework also makes use of socioecological theory, which proposes that individual development is influenced by a variety of interacting systems, including the family system, the peer system, the social system, the cultural values, customs, and laws as well as the dimension of time as it relates to a child's environments and elements within this system can be either external, such as the timing of a parent's death, or internal, such as the physiological changes that occur with the aging of a human. Against this background, I have decided to name this framework, the *collaborative intervention framework* (see figure 6.1).

### **6.6.1 Conceptual Assumptions**

Several assumptions are critical to the design and implementation of collaborative intervention framework:

#### **i. Comprehensive structure of serious psychosocial problems**

As suggested from Bronfenbrenner's socioecological theoretical model in the area of antisocial behaviour, such behaviour is multidetermined from the reciprocal interplay of individual, family, peer, school, and community factors. Intervention in this proposed framework assesses and speaks out to these probable risk factors in a comprehensive, yet individualised manner.

#### **ii. Parents as caregivers are key to constructive outcomes**

In collaborative intervention framework the parent is critical partaker and ideally an adult (e.g., grandparent, aunt, uncle and sibling) with a permanent emotional bond to the child in conflict with the law and must assume this role. In addition, other compassionate mature people from the young offender's ecology are acknowledged to offer social support. Expert and professional support is initiated only after exhausting resources in the family's natural ecology.

Paid professionals may genuinely care, but customarily will leave the child's life for reasons such as professional growth or termination of treatment. It is consequently vital to develop parenting skills and strengthening the family's original support system and in this way treatment realisation is more likely to be maintained.

### **iii. Consultation with a specialist**

Collaborative intervention framework includes cognitive behavioural approaches, parenting skills training, practical family therapy, and also drug treatment intervention as the last resort. As the parent is essential in achieving lasting objectives of the treatment, intervention would ideally be delivered by the parent as a caregiver in consultation with the therapist or psychologist.

### **iv. Strategy to overcome barriers to treatment success**

Taking into consideration the skepticism with which the children in conflict with the law and their families take therapeutic treatment and the high dropout rates of the young people in traditional therapeutic treatment programmes, the experts will have to provide intensive treatment with a commitment to overcome barriers to healing success. The home-based approach of service delivery facilitates the provision of intensive services and overcomes barriers to treatment success.

### **v. Quality assurance**

Treatment trustworthiness is needed to achieve desired outcomes. This can be accomplished through development of an individualised education plan (IEP) (See chapter five, 5.3.5). Hence intensive quality assurance procedure must be maintained at all cost for the success of this treatment. The quality assurance aims to enhance treatment validation.

## **6.6.2 Objectives of Collaborative Intervention Framework**

- To promote educational, rehabilitation, reintegration and occupational success

- To sustain parent empowerment, which include approaches for decreasing association with deviant peers and increasing links with prosocial peers as well as social proficiency skills training procedures for socially rejected or neglected youth
- To provide comprehensive programmes for children with serious diverse behavioural problems
- To develop an individualised education plan (IEP). The IEP is an essential element in providing quality education for learners with special needs to achieve their maximum learning potential and therefore should be individually adapted for each learner.
- To decrease reoffending behaviour by addressing those aspects that are most strongly linked with criminal behavioural

### **6.6.3 Introducing Framework for Understanding and Giving Support to Child in Conflict with the Law**

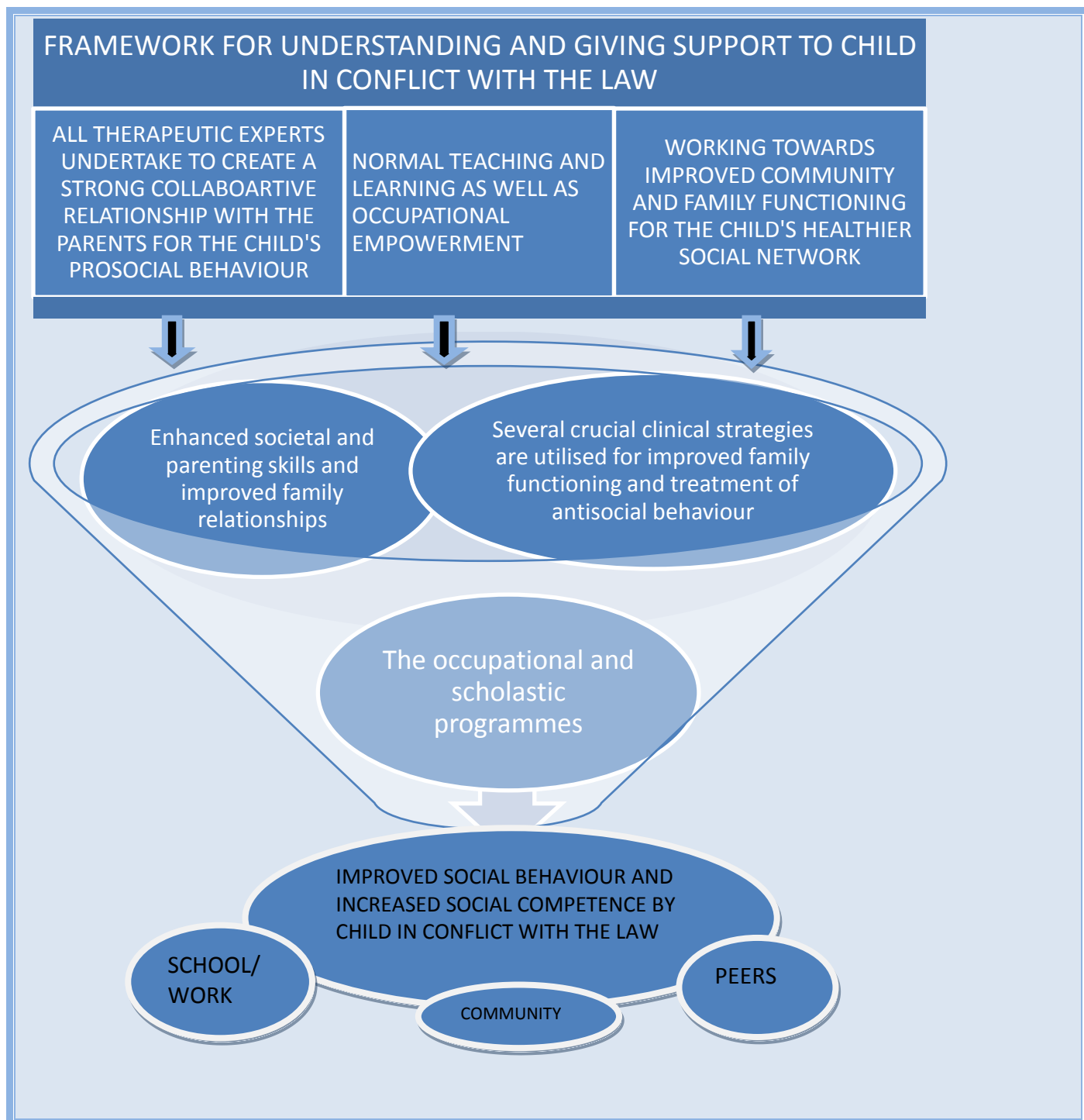
The *collaborative intervention framework* is aimed at being an intensive family-base as well as a community-based treatment that addresses the multiple determinants of serious antisocial behavior in children in conflict with the law. This approach views individuals as being nested within a complex network of interconnected systems that encompass an individual, family, peers, school and the neighborhood factors as entrenched from Bronfenbrenner's socio-ecological model. Intervention may be necessary in any one or a combination of these systems. *Collaborative intervention framework* is aimed at children in conflict with the law and their parents. It addresses anti-social behaviour, crime and family conflict in order to enable the young person safely to remain at home, avoiding placement in the correctional setting.

*Collaborative intervention framework* is embedded in Bronfenbrenner's social-ecological model of development. It is a highly individualised, cognitive-behavioural, community-based treatment program. It treats problems specifically related to problems of children in conflict with the law and adapts to the child's strengths, weaknesses as well as their ecology. Consistent with Bronfenbrenner's socioecological model, *collaborative intervention framework* for children in conflict with the law is shared and linked to an individual child and their family, peer group, school, and community contexts. Intervention here is aimed to ease the risk factors by building

on the child and family strengths on an individualised and comprehensive base. The provision of home-based support evades barriers to mend access that often characterise families of children in conflict with the law. An emphasis on parental empowerment is critical for this framework.

*Collaborative intervention framework* is intended for the provision of home-based support to children in conflict with the law. Its purpose is to reduce reoffending for children in conflict with the law. Based on Bronfenbrenner's theory of socio-ecology, the proposed framework assumes that the emotional and behavioural problems in children are best understood within the context of the child's social environment. The framework predicates that a child's behaviour is influenced by their interactions with their primary social systems including family, peer groups, school, neighborhood, and community (See figure 6.1). The nucleus essentials of this framework include ecological legitimacy and empowerment of parents as caregivers.

Bronfenbrenner's socio-ecological theory emphasise that a complete understanding of child behaviour is gained from first-hand observations, changes made in the real-world setting like at home, in school and in the community. *Collaborative intervention framework* does this by providing support at home or wherever the problem occurs. In this framework experts work intensely on empowering the parents of the young troubled person and also draw on the systems in the ecology. The treatment starts with isolating a problematic behaviour and then locating the causes which are behind the undesirable behaviour and the main factors that are sustaining this behaviour are prioritised for intervention. A variety of interventions individually tailored to the needs and situation of children in conflict with the law are explored. All the way through the healing process the ultimate objectives are consistently assessed and barriers to effectiveness of intervention are identified.



**Figure 6.1** Suggested Framework for Understanding and Giving Support to Child In Conflict with the Law



#### **6.6.4 Framework for Understanding and Giving Support to Child In Conflict with the Law**

The main aspects of *collaborative intervention framework* are: an individual learning plan, a diversion programme, a teaching and learning (education) programme, rehabilitation, reintegration and occupational programmes as well as a school-based prevention programme (see figure 6.1 above).

##### **i. Individual education plan**

The IEP (Individual Education Plan) describes the learner's present scholastic functioning as well as their immediate and long-term educational and personal goals. This individualised programme also explains related and specific services necessary for the learner to achieve their ambitions, as well as the manner in which such services will be provided (Rose & Espelage, 2012).

In many instances IEP development and implementation has been shown to be difficult due to a short stay of children in conflict with the law and the lack of qualified teachers at the facility who have the background and training to adequately implement each child's IEP. The difficulties associated with the transfer of school records from public schools to correctional facilities complicates the implementation of a learner's past IEP since the learner may arrive at the short-term correctional facility without their previous IEP. The failure to develop and/or implement a child's IEP in correctional facilities has also come under scrutiny in various state courts (See 1.2).

##### **ii. Public aptitude programme**

Public aptitude skill involves self-control, perspective-taking, and moral reasoning and problem-solving. Children in conflict with the law have been found to be lacking problem-solving skills and unable to see others' perspectives. The rationale, therefore, for including reasoning processes in interventions is that these preconceived notions and deficits in cognition appear to contribute to the development and maintenance of criminal behaviour (See 5.3.3).

In addition, public aptitude programme uses a range of different techniques to address a child's risk factors. Public aptitude training can include counselling, mentoring, education programmes and community programmes. The basis for this approach is that it is commonly thought that there are manifold origins for criminality and it is not therefore effective to tackle them in isolation. It is also more effective to undertake a broader approach with an individual by addressing all areas of influence, namely the family, the school, peers and the community as a whole (See 5.3.3).

### **iii. Diversion programme**

As discussed in chapter two, section 2.6, diversion programme includes interventions such as family group conferencing, restorative justice, and offender–victim mediation which are all based on the same principle that following an offence, the offender and the victim, together with their supporters, are given the opportunity to meet in the presence of a trained facilitator (See 2.6.3). Participants are encouraged to discuss the direct or indirect effects of the incident in order to encourage acceptance of responsibility by the offender. They may then negotiate plans for repairing the damage and minimising further harm arising from that incident and help reintegrate the offender back into the offender's family and the community. Mediators are trained in active listening, communicating, taking command of adversarial situations, identifying points of agreement, maintaining confidentiality and impartiality (See 2.6.3).

### **iv. Teaching and learning (education) programme**

Young people who do not attend school are at high risk of becoming involved in antisocial behaviour and criminal activity (See 5.3.3 & figure 5.5). Factors that are related to the onset of delinquency are lack of scholastic achievement, lack of commitment and attachment to school as well as truancy. Keeping learners at school, rather than excluding them, can help prevent further offending behaviour. Teaching and Learning (Education) programme provides an important setting within which to consider programmes to prevent and reduce offending. These programmes can integrate various schools subjects (See 5.3.3).

### **v. Training and occupational programme**

Programmes that concentrate on occupation and employment are based on the premise that increasing the potential for work may have a preventive effect on crime. This programme

attempts to reduce unemployment and improve the earning likelihood of children in conflict with the law. They provide job and occupational skills training, education and work placement. It is difficult to establish a causal link between unemployment and crime, however, there is indication that ex-offenders are more likely to reoffend if they are unemployed (See 5.3.3).

#### **vi. School-based prevention programme**

School-based programmes for the prevention of juvenile crime are oriented towards learners, teachers, curricula, administration, and the physical design of the school, parents, security personnel, community and legislation. This programme is geared towards positive outcomes, including improvement of social adjustment, improvement of scholastic performance, reduction in violation of school rules, reduction in classroom disruption, and greater attachment to school.

### **6.7 LIMITATIONS OF THIS STUDY**

The limitations of this study reside in the fact that the data are drawn from only one province, Gauteng, and therefore it may be hard to generalise the results of this study to other institutions. Therefore, there is a need for further research into this topic. To help generalise the perceptions of children in conflict with the law on educational, rehabilitation and reintegration programmes, other institutions of varying sizes, geographical locations, and compulsory versus optional participation should be included.

In this study a qualitative research design was used to explore the experiences and views of children in conflict with the law with regard to the current rehabilitation and reintegration programmes in correctional facilities. While a qualitative approach produces rich and detailed information, such methods are rarely appropriate for very large sample sizes. Current findings cannot be generalised to the larger population of children in conflict with the law, and are limited by the particular characteristics of the sample in this study. Conversely, the strength of the qualitative approach rests in its ability to capture the thoughts, feelings and behaviours of children in conflict with the law in a depth and detail that is not possible with quantitative methods.

Given the exploratory nature of this study, a qualitative research design was purposefully chosen with a small sample. Purposeful sampling was done to ensure that the selected

participants were homogenous and would be able to meet the necessary requirements of the study. The study focused on a specific population, namely, children in conflict with the law and for this reason care should be exercised in generalising the findings to other contexts. However, the findings are sufficient to make meaningfully recommendations to the Departments of Education, Social Development and Correctional Services with regards to the transformation of rehabilitation, educational and reintegration programmes.

## **6.8 CONCLUDING REMARKS**

It is anticipated that the research interventions for children in conflict with the law, described in this thesis contribute to effective community-based and family-based rehabilitation, decrease the need for unnecessary out-of-home placement and increase the probability that a child can continue living with their family, remain in school, and maintain social relationships with healthy, prosocial peers, thus developing along an adaptive, developmental path (See 6.6). Traditional approaches involving interventions based upon medical models, and measures intended to punish and deter have proved to be ineffective, yet continue to receive consideration from public deliberations. The essential questions exist about the wisdom of continuing this kind of investment in the interventions, bearing in mind the long-term consequences to children in conflict with the law, their families and communities relating to failure to intervene appropriately and effectively.

In addition, the differences of the correctional facility context from other educational contexts indicate that a well-structured, carefully monitored rehabilitation, educational and reintegration programmes for children in conflict with the law are essential. The nature of children in conflict with the law as learners, places unique demands on teachers and a range of skills are needed to meet their needs in the classroom. According to the findings of this thesis, greater numbers of children in conflict with the law have poor or bad school experience; various psychological or cognitive factors are linked to negative self-concept, unemployment and social exclusion (See 5.3.8).

The factors mentioned above indicate that children in conflict with the law are a unique group of learners and this may impact on their attitudes and approaches to teaching and learning. If these issues are then added to the fact that their teaching and learning is taking place in a correctional institution with more complications that can occur as a result of being incarcerated and isolated from family and peers, it impacts even more on their uniqueness as learners. The

detrimental effects of confinement result in teachers acting in a pastoral as well as teaching role. This particular aspect was the most commented on by children in conflict with the law but it was also the area in which some learners felt the least confident (See 5.3.7).

Conflict between the goals of rehabilitation and punishment also can have far-reaching consequences (See 5.4). Judges, for example, rarely make sentencing or placement decisions that account for the offender's need for special education services. A child identified in school as having a disability receive special education and related services based on their educational needs. In the juvenile justice system, children in conflict with the law are likely to be served according to the brutality of their crime and the length of their sentence. Security of correctional facility and accommodation or task obligation take precedence over educational needs of children in conflict with the law (See 5.4). Disciplinary procedures within correctional facility may not take into account the needs and characteristics of the children and correctional industries may not provide satisfactory occupational preparation.

Inclusive education in South Africa is rooted in human rights. The emphasis here is on the assertion that every learner has the right to education (See 1.4). At the moment, correctional education programmes are largely isolated from the extensive changes that are taking place in the mainstream as well as special education programmes. Teachers in correctional institutions may be unaware of the curricular changes and it is possible that they still use strategies that have demonstrated to be the least effective for learners, especially learners who are in need of intensive learning support. The problems associated with providing special education in correctional facilities, like reoffending, will not be corrected until appropriate instructional programmes are available for all children in conflict with the law. Special education services must be linked meaningfully to education and training programmes in correctional institutions, special and mainstream schools. All teachers must be given a chance to work together in designing education programmes for all the children with behavioural problems.

It is obvious that nobody can ever be certain that education, rehabilitation and reintegration programmes in correctional setting would influence the criminal behaviour of children in conflict with the law after the release. However, with the potential impact of education on the development of an individual's motivation, interests and self-esteem; preparation for the world of work; and successful contribution to society, the chances of children in conflict with the law can be increased (See 5.3.5- i). To improve the probable influence of a given programme in any given context, that programme must be of the highest quality. The aim of this thesis was to

investigate the perceptions of children in conflict with the law with regard to the current rehabilitation and reintegration programmes, in order to develop socio-ecological framework for teachers and care-givers (See 5.3.8). If education in correctional settings is to contribute to appropriate rehabilitation, education and reintegration programmes, then it must be furnished with highly trained and skilled teachers. I anticipate that the construes, concerns, comments and ultimate recommendations highlighted here, will possibly in some means contribute to the aspiration of this study (See 5.4 & 6.4- recommendation eleven).

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## ANNEXURE A: Application for Ethics Review



### APPLICATION FOR ETHICS REVIEW

**INSTRUCTIONS:** Provide adequate information in all sections. **Avoid statements such as SEE PROPOSAL.** Copy and paste all relevant information in appropriate sections and put as appendices at the end of the form all related full documents such as consent forms. Send the filled in form to your supervisor who in turn will forward it to the School of Education Ethics Review Committee when satisfied of the contents contained.

i. **Researcher's names, affiliations, addresses and contact numbers**

**Name:** Mr Tlale LDN  
**Student Number:** 857 301 8  
**Address of student:** 246 Celliers Street Muckleneuk Pretoria  
**Tel:** 012 429 2064  
**Cell:** 082 477 2197  
**Email:** [tlaleldn@unisa.ac.za](mailto:tlaleldn@unisa.ac.za)  
**Programme:** D.Ed (Inclusive Education)  
**Supervisor:** Prof Norma Nel  
**Dept at UNISA:** Further Teacher Education

ii. **Organisations or institutions involved in the study**

University of South Africa

iii. **Sponsors or Funders**

University of South Africa

iv. **Other pertinent information such as conflict of interests**

None

## Proposal Summary Sheet

i. **Title of the proposal**

Understanding and giving support to children in conflict with the law: A socio-ecological perspective

ii. **List and definition of acronyms and abbreviations**

CCWL	Children in Conflict with the Law
CJA	<a href="#">Child Justice Act</a>
CRC	Convention on the Rights of the Child
DCS	Department of Correctional Services
DoE	Department of Education
DoJ	Department of Justice
EHCA	Education for all Handicapped Children Act
HRW	Human Rights Watch
IDEA	Individuals with Disabilities Education Act
IEP	Individual Education Plan
PoS	Place of Safety
UNCEF	United Nations Children's Fund
UNCRC	United Nations Convention on the Rights of the Child
UNRPJDL	United Nations Rules for the Protection of Juveniles Deprived of their Liberty

iii. **Name(s) of principal investigator(s)/researcher(s). If this is a student, a letter of confirmation from UNISA must be included**

Mr LDN Tlale

iv. **Names and address of all sponsor(s) or funder(s)**

University of South Africa

v. **Abstract of the proposal:** At most half a page

Many children in conflict with the law are not receiving the relevant education and services to which they are entitled. Convention on the Rights of the Child, proclaim that the convicted child's needs of persons of his or her age, like the right to appropriate education must be addressed as a matter of urgency. In addition, there is a serious lack of properly trained personnel who might be causing more impairment to children in conflict with the law, but who remain in the system. The appointment of relevant and appropriate staff in correctional facilities is definitely required. For instance, many young offenders lack a decent education, social skills and occupational skills and involvement of parents, peers and the community. If essential programs become successful, this will not only improve the livelihood of children in conflict with the law, but will also reduce recidivism rates.

**Keywords:** Socioecology, Reintegration, Rehabilitation, Juvenile justice, Barriers to learning

vi. **Research objectives:**

The primary objective of this study is to investigate the experiences of children in conflict with the law about the current rehabilitation and reintegration programs, in order to develop socio-ecological guidelines for educators and care-givers.

The secondary objectives of the research are:

- To examine and describe the current situation for children in conflict with the law in South Africa and internationally
- To examine and describe appropriate socio-ecological model in order to understand and support of children in conflict with the law
- To develop socio-ecological strategies that can be incorporated in the rehabilitation and reintegration programs for supporting children in conflict with the law

vii. **Anticipated outcomes**

Multi-systemic programme that can be used to help and support children in conflict with the law.

Relevant strategies that can be used in the implementation of programme for children in conflict with the law.

viii. **Inclusion or exclusion criteria (if applicable)**

N/A

ix. **Withdrawal or discontinuation criteria (if applicable)**

N/A

x. **Methodology or research design**

In this research a qualitative approach will be used as a research design. Phenomenology will be employed as a philosophical basis of interpretivism. Phenomenology is both an appropriate and useful method for examining the experiences and views of children in conflict with the law with regard to the relevance and effectiveness of the current rehabilitation and reintegration programs.

xi. **Activity plan or time line**

Activities	Output	Time-Line
<b>Preparatory Work</b>	*Make sure that letters of permission to conduct research are in place	01 /07/ 2011
	*Prepare journal to reflect on participation in the research process (personal challenges, and successes, insights, feelings, transformations, etc.)	04 /07/ 2011
	*Have a preliminary meeting with authorities of research site	07/ 07/ 2011
	*Send informed consent letters regarding participation in study	11/ 07/ 2011
	*conduct a pilot study	19-22/ 07/ 2011
<b>Data Collection</b>	* Focus group Interviews	25/ 07 to 25/08/ 2011
	*Naïve sketches	29/ 08/ to 16/09/ 2011
	*Observations	Throughout



<b>Data analysis</b>	*Transcribe collected data *Draft data analysis *Final data analysis	19/09/2011 03/10/ 2011 17/10/2011
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xii. **Safety procedures and criteria (if applicable)**

Ethical considerations will be observed throughout this research study. The written, signed consent from all participants will be obtained beforehand and that there will be no payment to participate in the study

Whenever research is conducted on people, the well-being of research participants must be a top priority. This principle must not be dismissed as irrelevant, or we can find ourselves making decisions that eventually bring us to the point where our study threatens to disrupt the lives of the people under study.

xiii. **Description of reporting to ERC**

Permission, for the study, will be requested from Ethics committee of Unisa. Clarification will be sought from Ethics committee of Unisa when ethical problems are encountered.

xiv. **Description of how participants will be informed of the finding or results and consulted on potential or actual benefits of such findings or results to them and others**

Participants will be informed of all aspects of the research that might influence willingness to participate, namely, the purpose of the study, data collection and the feedback of the results.

xv. **Description of the risks of the procedures which participants may/will suffer as well as the level of risk**

Participants will be ensured confidentiality, anonymity and avoidance of harm (physical, psychological or otherwise). The researcher will not identify a given response with a specific participant. The participants will be requested not to give their names in order to ensure that their identity is not revealed to anyone.

**PROPOSAL-RELATED DOCUMENTS (PLEASE SEE THAT THE FOLLOWING ARE  
ATTACHED TO THE PROPOSAL)**

i. **Participant information sheet (if applicable)**

In this study the population will be children in conflict with the law from two youth correctional facilities in Gauteng, Protea and Tsosetso. Participants will be twelve children in conflict with the law (six children in conflict with the law from each of the two correctional institutions). Their age range is twelve and seventeen.

ii. **Description of the process for obtaining informed consent**

From the start the researcher will clarify and inform participants of the reasons and aims of the study. Prior to data collection, an introductory meeting will allow the researcher to provide an information letter and inform each participant of the purpose and aims of the study. Gaining the trust and support of research participants is critical. Following this, informed consent for participation, interview and tape recording of interviews, will be obtained from each participant prior to data collection. All participants will be informed of their right to withdraw from the process at any time. Confidentiality of transcribed data and taped recordings will be ensured as essential to the data collection procedure. During the process of data collection and analysis, access to the data will be limited to the researcher and research supervisor.

iii. **Informed consent form in English and in the language of the potential participants.**

You need consent from each group of your participants e.g.

Informed Assent Form for Children in Conflict with the Law (Annexure A)

iv. **Description and/or amounts of compensation including reimbursements, gifts or services to be provided to participants (if applicable)**

N/A

v. **Description for arrangement for indemnity (if applicable)**

N/A

vi. **Description of any financial costs to participants (if applicable)**

N/A

vii. **Description of provision of insurance to participants (if applicable)**

N/A

viii. **Description of steps to be undertaken in case of adverse event or when injury or harm is experienced by the participants attributable to their participation in the study**

In order to explore the experiences of children in conflict with the law, the researcher will ensure that the naïve sketches and interviews forms part of their day-to-day programme at the correctional facility, to prevent physical and emotional disruption. In addition, arrangements will be made to refer the participants to their therapists for debriefing, if needed, after completing of naïve sketches.

Additionally, children in conflict with the law will be the prime focus of the study that the researcher wants to interview. Increasingly, there are calls for including children's perspectives as relevant and insightful in learning more about aspects of their worlds. This is especially true in education where all too often those most affected by educational policy and rehabilitation program decisions are absent from investigation. There are special considerations, however, when the qualitative researcher proposes a study that involves children. Age concerns are of the utmost importance and interviewing children, for example, are quite different from interviewing adolescents. Young children are often active and adolescents are frequently very self-conscious. It is very imperative to involve care givers, psychologists and social workers as observers and for provision of professional advice where crucial.

ix. **Statement agreeing to comply with ethical principles set out in UNISA Policy on Research Ethics**

x. **Statement agreeing to comply with ethical principles set out in UNISA Policy on Research Ethics**

I, **Tiale LDN**, declare that I have read the Policy for Research Ethics of UNISA and the contents of this document are a true and accurate reflection of the methodological and ethical implications of my proposed study. I undertake to work in close collaboration with my promoter (s)/ supervisor (s) and shall notify them in writing immediately if any changes to the study are proposed. I further undertake to inform the Higher Degrees

Committee of the School of Education of any adverse events that occur arising from the injury or harm experienced by the participants in the study. I shall conduct the study according to the approved proposal and in strict compliance with the ethics policy of UNISA. I shall also maintain the confidentiality of all data collected from or about the research participants, and impose strict controls in the maintenance of privacy. I shall record all data captured during interviews in accordance with ethical guidelines outlined in my proposal. Paragraph 5 of the Policy for Research Ethics places huge emphasis on the integrity of the research and I shall ensure that I conduct the research with the highest integrity taking into account UNISA's Policy for Copyright Infringement and Plagiarism.

**Disclosure of any previous ethics review action by other ethics review bodies (if applicable)**

NONE

**xi. Research instruments such as questionnaires, interview guides and similar documents**

**xii. Research Budget**

N/A

**xiii. Project agreement**

N/A

**xiv. CVs of principal investigators**

**xv. Letter(s) of permission from relevant bodies (if applicable)**

Attach as appendices letters asking for consent from participants if there is no response from them already.

a) Covering Letter & Informed Assent Form for Children in Conflict with the Law (Annexure A)

b) Consent Form for Parents/Teacher/Guardian(Annexure B)

c) Letter(s) of permission for the Head Of Correctional Institution(Annexure C)

d) Gauteng Department of Education Approval Letter

**ANNEXURE B: Covering letter and informed assent form for child**  
**COVERING LETTER & INFORMED ASSENT FORM FOR**  
**CHILDREN IN CONFLICT WITH THE LAW**

**Dear Participant**

My name is Dan Tlale and I am from the University of South Africa (UNISA). I am asking permission for you to participate in this research study.

I guarantee that your responses will not be identified with you personally. Please be assured that all information you provide will be kept strictly confidential. I promise not to share any information that identifies you with anyone outside my research. Your participation is voluntary and there is no penalty if you do not participate.

I have already asked your parents/guardian(s) if it is ok for me to ask you to take part in this study. Even though your parents/guardian(s) said I could ask you, you still get to decide if you want to be in this research study. You can also talk with your parents/guardian(s) before deciding whether or not to take part. No one will be upset if you do not want to participate, or if you change your mind later and want to stop. You can also skip any of the questions you do not want to answer.

You can ask questions whenever you wish. If you want to, you may call me at 012 429 2064. Please sign your name below, if you agree to be part of my study. I will give both you and your parents a copy of this form after you have signed it.

Thanking you for your co-operation

Yours sincerely

Tlale L.D.N. (Mr)

---

Yes, I am willing to take part in this study. I understand that at any time I have the right to withdraw from the project.

Signed \_\_\_\_\_ Date \_\_\_\_\_

Name: \_\_\_\_\_

**ANNEXURE C: Consent form for Parent/Teacher/Guardian**

**RESEARCH ON CHILDREN IN CONFLICT WITH THE LAW**  
**CONSENT FORMFOR PARENT/TEACHER/GUARDIAN**

**I Participant's section**

(Please fill in block letters)

Name: \_\_\_\_\_ Age: \_\_\_\_\_ Sex: \_\_\_\_\_

Place of Origin: \_\_\_\_\_

**II Parents/Teacher/Guardian's section:**

I, \_\_\_\_\_ the parent/teacher/guardian of  
\_\_\_\_\_ grant permission to allow him/her to participate  
in the research indicated above.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**III In the event respondent decides withdraw from the research:**

The participant can at any time withdraw from the research.

Signature of the researcher \_\_\_\_\_

Date: \_\_\_\_\_

## **ANNEXURE D: Permission to do research in the school**

University of South Africa

P.O. Box 392

Pretoria

South Africa

13 June 2011

The School Principal  
Protem LSEN School  
Magaliesoord  
Pretoria

Dear Sir

### **PERMISSION TO DO RESEARCH IN YOUR SCHOOL**

I am a D.Ed Student at University of South Africa, and I am currently undertaking my research study in the field of Inclusive Education. My study involves schools of Safety and Industry. I am seeking your permission and support to conduct some of my research in your school. My research study concerns an Understanding and giving support to children in conflict with the law: A socio-ecological perspective. Participants in this study would be a sample of learners / young offenders.

The learners' role in this study will involve participating in groups as well as individual interviews and/or developing naïve sketches. The interviews will run for approximately 60 minutes and strict ethical guidelines will be adhered to. The interview will be audio taped for the verification of findings and to facilitate data analysis. The tapes and naïve sketches will be destroyed after completion of the research. Participation in this study is voluntary, and participants have the right to withdraw at any stage of the research should they wish to do so. Names will be omitted during all discussions related to this study. The information related to the discussions will not be accessible to anyone else except the promoters of the study. The research results will be made available to you on request.

I would very much appreciate your prompt and favourable response to this letter.

Yours sincerely

**Tlale L.D.N. (Mr)** 0824772197



**ETHICS CLEARANCE CERTIFICATE**

**This is to certify that**

**Name: Tlale LDN**

**Student number: 857 301 8**

**TITLE:** Understanding and giving support to children in conflict with the law: A socio-ecological perspective

**QUALIFICATION: DED**

**Has met the ethical requirements as specified by  
THE ETHICS RESEARCH COMMITTEE, COLLEGE OF EDUCATION  
UNIVERSITY OF SOUTH AFRICA**

**Prof L Nyaumwe**  
**Chairperson, ethics committee**

A handwritten signature in black ink, appearing to read "L Nyaumwe".

**Signature**

**REGISTRATION NUMBER 2011/857 301 8/003... date 22 Nov 2011**

**This certificate is valid for three years from the date of issue**





ANNEXURE F: Application to conduct research in GDE Institution

**Subject:** Application to Conduct Research in GDE Institution

To: Mr. L.D.N. Tlale  
Unisa

Good day

Your submission on the above subject to Gauteng North District Office is hereby acknowledged.

Your documentation has been forwarded to GDE Head Office for registration and generating an approval letter.

GN District shall communicate Head Office response to you as soon as it is received

Wishing you well with your studies

Regards

L.P.D. Rapudi  
Policy and Planning Co-ordinator  
Tel: (012) 846 3761  
Fax: 0866 322 588

## ANNEXURE G: Transcriptions

### Interview 3

**Name:** Focus Group Randburg Clinic

**Time:** 26:33 minutes

**I = Interviewer**

**I2 = Interviewer 2**

**P = Participants**

**LA = Learner A**

**LB = Learner B**

**LC = Learner C**

**LD = Learner D**

**LE = Learner E**

**LF = Learner F**

	TRANSCRIPTION
I	Learner D?
LD	I-I was in-I was in X and-and then-um-I took a child and I picked him up and I threw him down.
I	And then that's why you are here?
LD	Ja and that's then-why I was expelled.
I	You were expelled in that school?
LD	Yes ma'am.
I	Okay.
I2	X in Pretoria?
LD	Yes.
I2	Mm, I'm staying next to X. You're staying at the X but your school is at the X, ne?
LD	Ja.
I	Okay. Is it X south or north?
LD	X- um-uh-it's-next to north I don't-uh -
I	Okay.
LD	It's-uh-it's in X north and it's -
I	Okay.
I2	...
LD	Ja.

I	Okay. Alright. Learner E? Where were you before you come here?
LE	I was at X Primary School.
I	Mm. What happened?
LE	Ma'am-eish- I was fighting the teachers ma'am.
I	Mm.
LE	Ma'am whenever I pass my exams ma'am they give me-when-when my answers are written they write the wrong- then I -
I	Why do you think they do that?
LE	Ai because of my behaviour ma'am.
I	Tell us about your behaviour.
LE	I was fighting. And -
I	Why-why do you fight?
LE	They were scratching me.
I	So are you still fighting now? Okay. Learner C?
LC	I wasn't also ... then I was--I used to bully-I used to bully other kids.
I	Mm.
LC	Then after that then they-they expelled me at school then -
I	They expelled you?
LC	Yes at school.
I	Okay. And then?
LC	Then I came out of that school then I came here.
I	Okay. Learner A?
LA	I was in X school. I was bullying. Then they expelled me.
I	Why did you bully? Did you bully only learners or even the teachers?
LA	Oh, learners.
I	Why did you bully the learners?
LA	They used to start me.
I	What exactly were they doing to you?
LA	Like they were teasing me, like -
I	Mm. Why did you -
I2	Saying what?
LA	Then I failed grade 6. They were busy going around stabbing people that I failed grade 6. Then-that's why.
I	Why didn't you report them?

LA	When I report they don't trust me.
I	Mm. Okay.
I2	Learner B?
I	Where do you come from?
LB	Before here I was in a place named-named X. It was almost like here. I was there for another problem but I'm not comfortable speaking about that one.
I	Okay, so why-how did you come here?
LB	I just stopped my problem there.
I	Okay. Then they brought you here?
LB	Ja.
I2	Okay.
I	Okay. Learner F?
LF	And-and I was in X with X and she is also here.
I	Okay. But we don't mention names for now ne?
LF	Ja. And after I'm going to X next year.
I2	Oh.
I	Learner F? Where do you come from?
LF	I come from X.
I	Mhm. What school?
LF	I came from X Primary. They expelled me because I always didn't finish my work and I always used to make jokes in class.
I2	What made you did that-those things?
LF	Mm-I don't know. I got a lot of attention from the children.
I	What kind of jokes are you making?
LF	Mm I forgot.
I	So you're no longer making jokes?
LF	Yes.
I	Okay.
I2	Okay. Now one thing that I would like to ask you now is-um-ah-how do you feel like, being in this school? How do you feel like being at this school?
LF	Um-it-it was a bit not nice when I came here but then it became-it became better because I-I started having more friends. And we start playing soccer then learning soccer yesterday and everything. Ja.
I	Which position are you playing in soccer?

LF	Uh-oh-uh-I'm defender but I want to-I-I-say if I can be goalkeeper because X doesn't want to be goalkeeper any more.
I	Wow, so you think you can catch the balls?
LF	Ja.
I	Okay. So what else do you like except playing soccer here?
LF	I like-I like computers.
I	Computers. Okay. Do you have computers here at the school?
LF	Ja. Upstairs.
I	That's nice. What do you do with the computers?
LF	Mm, I have a gaming computer at home.
I	So here at the school what do you do with the computers?
LF	We go on the internet and we search for stuff.
I	Okay.
LF	Ja.
I	Learner E? How is it to be in this school?
LE	Boring. Boring.
I	Mhm. Really?
LE	Ja.
I	So you -
I2	What-what makes you being bored at this school?
LE	Eh, when we're sleeping people they klap us in the night when we're sleeping.
I	And then during the day there's nothing interesting for you?
LE	Yes there is.
I	What is it?
LE	Swimming and playing soccer.
I	And then in the classrooms? What is it that you are doing in the classes?
LE	Learning.
I	Don't you like learning?
LE	I do ma'am.
I	Okay. Learner C?
LC	It's boring in the school.
I	What is boring?
LC	So when I-I ... and at the playground they-they ask -

I	Who bully you? The teachers?
LC	The teachers, some of the boys.
I	Mm. Why don't you report?
LC	They-I do report. And they're still bullying me then I fight back with them.
I	Okay. So what else do you do except fighting back?
LC	I do education in class. I learn. Then-then I-at 2 o'clock we go ride bikes sometimes and go play sport sometimes.
I	Mm. Okay. So which sport do you like?
LC	Soccer.
I	Soccer. Do you also play soccer here at school?
LC	Yes.
I	Okay. Learner A?
LA	It's boring.
I	Mm? What-what is boring you?
LA	... they accuse you for something you didn't do.
I	Like what?
LA	Like you are sitting then they say you are peeing but you are sitting.
I	Mm. So it-it happened to you.
LA	Yes.
I	Okay. And then how did it make you feel?
LA	In -
I	Who accuses you? The teachers or the learners?
LA	The learners.
I	Then did you report them to the teachers?
LA	The teacher was there. The teacher trust-they trust them.
I	Okay. So you think you-you-you are not trusted by the teacher.
LA	Yes.
I	Okay. So what do you think-uh-can be done so that the teachers start to trust you?
LA	Don't know.
I	You don't know. You can even say it in your own language it's fine.
?	(whispers) Shut up.
I	What do you think-uh- can be done? Don't you want the teacher to trust you?
LA	I do miss.

I	So what do you think can be done? (long pause) You're still thinking about it? We'll come back to it ne? Learner A?
LA	It's so-so.
I	So-so?
LA	Ja.
I	Mhm. What-what?
LA	Like sometimes when they accuse me of things that I don't do. They kept on nagging me and-then-when I say no no no no and then they keep on saying-asking me and then I'll say no no no and then I'm tired of them nagging me so I just lie and I say okay ja whatever.
I	And then -
LA	I do-I do enjoy playing computers and all stuff.
I	Alright. Are you good in computers?
LA	Ja.
I	What do you do best with the computers?
LA	Play games online and ...
I	Mm? Are you always winning?
LA	Ja so-so. It takes long to just win a game.
I	Mm. Except games what else are you doing with the computers?
LA	Sending emails.
I	Okay. To who?
LA	To anyone who is in the computer room.
I	Alright. So you-do you have email addresses?
LA	Ja.
I	Okay. That's-that's good. Are you playing any sport?
LA	I used to. I like cricket.
I	So now you -
LA	And soccer.
I	Now you're not playing. Why?
LA	I don't know.
I	Okay. You just decided not to play any more?
LA	I should get a lawyer.
I	Why?
I2	(laughs)

LA	Well if I'm not comfortable speaking I can just say don't speak to me speak to my lawyer.
I	Okay. Ja if-if I ask a question that you feel like you don't want to answer you can tell me.
LA	Ja I'm not comfortable.
I	You're not comfortable now?
LA	Ja. But I told you I'm not comfortable at the other part.
I2	Um even-even now if you are-you are-you are not ... maybe sit back or maybe go out.
LA	It's fine.
I2	It's fine? Are you fine?
LA	Ja I'm fine.
I2	Okay. And then -
I	Learner F? What do you like here at the school?
LF	Um like playing soccer like -
?	(mother tongue)
LF	Like soccer like playing computers. Like searching for games and playing them. Mm-um and sometimes also play in the class.
I	What-what is it that you like most?
LF	Yoh computers.
I	You like computers.
LF	Yes. I -
I	What do you do with the computers?
LF	We search for stuff and we send emails. I also have a computer at my house.
I	Okay. That's good. Then now tell me what works well for you? What is your best experience since you were here? Anything that happened that made you maybe smile or feel good since you-you came to the school.
LF	Um -
I	Your best experience. What experience that made you feel good that you can tell us about? Hm? Learner E?
LE	The-the concert.
I	The concert?
LE	Yes.
I	Okay. When was the concert?



LE	Uh last term.
I	What happened? What happened during the concert?
LE	Ma'am we had different-uh-dance ma'am. Some people were doing like-uh-the fathers-Father's Day and ... in the-the jiving.
I	So you enjoyed yourself.
LE	Yes ma'am.
I	Okay. Learner D? What is your best experience?
LD	Um the first time when I came here and the first time I-I swam. Swum here.
I	So you learned how to swim in this school?
LD	No.
I	Oh just the first time when you swam in this school.
LD	Yes.
I	What-what-what was good about it?
LD	Um I'm-I'm better than anyone at swimming.
I	Ah that's why you felt so good.
LD	Ja.
I	Okay. What else?
LD	Ah that's all.
I	Okay. Learner C?
LC	It's the concert.
?	(someone comes in and they talk)
I	Your best experience here at the school?
LC	It's swimming when I came to this school the first day I was swimming.
I	Did you know how to swim?
LC	I-I used to-I-I did know how to swim then I-then I came then I swam -
I	And then that felt good?
LC	Yes.
I	Okay.
I2	Is it only swimming that you do here?
LC	No we ride bikes -
I2	What other things do you enjoy doing?
LC	Sports and like -
I2	... Can you say it?

LC	Um sports riding bikes. We want -
I2	Mm. So be specific when you say sports. What sports do you like-say-uh-
LC	Soccer. We sometimes we run we race.
I2	Okay. Uh. Okay.
I	You spoke? You - Learner A what's your best experience here at the school?
LA	Riding bikes.
I	Okay. When did you first ride the bike?
LA	The first time I came.
I	The first day? Okay. And then how did it feel?
LA	Happy.
I	You felt happy? Okay. Learner B? Is there anything you want to share with us about your best experience?
LB	My best experience is bikes and computers. And swimming.
I	Okay. So was it the first things that you experienced at this school?
LB	Ja.
I	The previous school didn't have that?
LB	No.
I	Okay.
I2	Mm. Um what do you think can be done differently for you to enjoy being here? What can be done? What the school can do to make you feel like ... Learner F?
LF	Um getting a warm bath.
I2	Oh you want a warm bath?
LF	Ja.
I	Are you bathing with cold water here? Mm?
LF	No.
?	Sometimes.
LF	A warm bath like where you-you relax and-
?	Jacuzzi.
LF	Ja. But they call it warm bath.
I	Oh. Okay. Here you're using showers?
LF	Mm ja and baths.
I	Okay.
I2	You want a jacuzzi.

I	Oh you want a jacuzzi?
LF	Something like that but you get to relax.
I	Okay. So you want luxury.
LF	Ja.
I	(laughs)
I2	Learner B?
?	Ja you have to be like ...
LB	A-a skateboard rank with skateboards.
I2	Okay.
I	So you-you-you just want play?
I2	Playing.
I	What about the school work? Are you-is everything okay with the school work?
LB	Yes.
I	Are you passing?
LB	And I want-it will be- there mustn't only be like-um-like ... and stuff. There must be like all the subjects.
I	How many subjects are you doing?
LB	Um -
I	Which one and which one? Can you -
?	... science, social science, Afrikaans ... English.
I	... So you don't do technology?
LB	We don't.
I2	You don't do technology?
LB	Yes.
I	And arts and culture?
LB	Yes ...
I	Okay. Did they tell you why you don't do them? Did you ask?
LB	...
I	So you see maybe you need to ask.
I2	You do have computers in the school.
LB	Yes.
I2	Okay.

I	Maybe you need to ask. Maybe the answer that you-you get will-will-will satisfy you or you will see the importance of not including them in your curriculum. Okay. So when you-when you leave here after passing your grade 6 you're going back to your schools isn't it?
?	Yes. Yes.
I	Are you not going back Learner-Learner B?
LB	I'm going next year to X.
?	You have to-you have to-like-... 11 years. When you're 12 you're going out of this school.
?	13
?	When you're 13.
?	Also 11 and 12.
?	Yes. And you have to find the school. If they don't want you at the school you have to look for some other schools.
I	And then you-you-you feel that is not going to be easy ne?
I2	Uh. So what we would like to hear individually from you ne whether are you ready to go to that school that you were in or a different school. Are you ready to go to a different school or that same school.
?	Same school.
?	Different school.
I2	Tell us about it. Tell us about it.
I	Your reason why you don't want to go back to your-your old school.
?	I-I want to go back to my old school.
I	Okay. Learner B?
LB	I went to X because in my old school the-the teachers were picking on me.
I	Mm and you-you want to go back to another school.
LB	Ja. Another school not that one.
I	Okay. So how do you feel about going to another school?
LB	Great.
I	You feel great? And then you think -
LB	Not at the moment though.
I	Okay. But do you think they are going to receive it-you well? And then what are you going to do if maybe you don't get good reception?
LB	I don't know.

I	So that shows maybe you are not ready. You're just going to see.
LB	I am ready.
I	You're just going to see what happens there.
LB	Ja.
I	Okay.
LB	See how it's like.
I	Mm. But what do you think can for your preparation- for the preparation of the school for you to be there? What can be done so that you know the school is ready for you, you are going to be accepted?
LB	To be good.
I	Mhm. What do you think should be done with that school that you are going?
LB	I should enjoy it and be good there.
I	Okay. So who do you-
LB	And listen and-and accept it.
I	Who do you think should assure that?
LB	Be more specific please?
I2	Ja what-what do you think the school there and you-you should do in order for that school to receive you?
LB	I should be good.
I2	Okay.
LB	And respect and stop being naughty.
I 2	Okay.
LB	And stop fighting.
I2	Thank you. And what should the-that school do? You say you-you are going to be good and then what that school should do?
I	Because that is your part.
I2	To receive you?
I	You are going to-you are going to play your part by being good. The school must also play its part. What part do you wish the school can play?
LB	Just to accept me.
I	Okay.
I2	Okay. Learner A you've been quiet.
I	Learner A?
I2	You are going-when you go out of this school you are going to a different

	school. To a different school not necessarily the one that you were in before you came here and what-what-um-do you think should be done or you should do at that school to-to make you to be received in your different-in your new school?
LA	Should behave.
I2	Okay.
I	Let's say first day you get to that school. They-they are not sure if you can behave and everything. What do you think should be done? Mm?
I2	You say you should behave and what else?
LA	Stop bullying.
I2	Sorry?
LA	Stop bullying.
I	Will-will you tell them when you get to the school that you are going to stop that?
LA	Yes.
I	I thought maybe you need another one. Okay.
I2	Okay. Mm. Okay. We-we are involved in an interview and-um-Learner D and C you've been quiet. And others have been talking and from now I'd like to know-um-how you felt being involved in the interviews. Learner D ... you talking here? How did you feel?
LD	Um-I felt good because I expressed my feelings and it was nice talking to you guys.
I	Okay. Learner C? How do you feel about this interview?
I2	Talking here. Why ...
LC	Because I was good and I kept quiet and I was listening.
I	Okay. Learner E? How do you feel about this interview?
LE	I-I-it was nice.
I2	What-was nice specifically about this interview?
LE	We were talking about how we-how were-how were we-uh-at our old school.
I2	Okay. Anything else? Okay. Learner F? How did you feel about what we were talking about? We talked about?
LF	Um-I felt good.
I2	What made you feel good specifically?
LF	You-you telling that what I like and that what do we do.

I2	Okay. Anyone else?
I	Learner A?
I2	Learner A what -
LD	Learner D.
I2	Ja Learner D what did you -
LD	It was okay and I liked it because I explained my feelings and stuff. Ja.
I2	Mm. What are your feelings?
LD	I explained my feelings to ...
I2	Mm? So maybe if we can-maybe I've forgotten. ...
I	Learner A? How did you feel about this interview?
LA	Happy.
I	Happy? What - say it in your language. What language are you speaking at home?
LA	Sepedi.
I	Ja. (mother tongue) Sepedi. (mother tongue)
LA	(mother tongue)
I	Mm.
I2	Oh. Thank you very much for interviewing.
I	Your responses -
I2	I'm talking your responses for saying how you feel. That was very nice and maybe one day we'll visit. Huh? And see how you are doing in your schools. Ne? Thank you very much.
I	Thanks that you said you are participating. I like to see you playing soccer. I like to see you swimming. The best swimmer, I want to see you.
I2	Okay. Thank you.